

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO  
SEP 10 2019

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

See Attachment A for Locations A-1 thru A-20

)

Case No.

19-MR-1074 CLERK  
thru  
19-MR-1093

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the \_\_\_\_\_ District of New Mexico, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 USC §§ 1962(d), 1959, 1791, 1513, 1512, 924(c), 922 (g), 2; 21 USC §§ 846 & 841(a)	RICO conspiracy; VICAR; provide contraband to federal inmates; retaliate against or tampering with a witness/victim/informant; use of a firearm in drug or violent crime; felon possess firearm; aid & abet; conspiracy to distribute and distribution.

The application is based on these facts:

Refer to the attached 160-page Affidavit in Support of an Application for Search Warrants by  
FBI Special Agent Bryan Acee.

- Continued on the attached sheet.
- Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested  
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

Bryan Acee, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/10/2019 at 10:15am

City and state: Albuquerque, New Mexico

The Honorable Karen B. Molzen, U.S. Magistrate Judge

Printed name and title

  
Judge's signature

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## SEARCH WARRANTS

SUBJECT PREMISES	TARGET SUBJECT	ADDRESS OF SUBJECT PREMISES
A-1	LARRY MARTINEZ, aka: "PSYCHO"	225 Grand Avenue Las Vegas, New Mexico
A-2	JOHN F. SALAZAR, aka: "STONER"	1200 Commerce Street #8 Las Vegas, New Mexico
A-3	GEORGE A. SENA, aka: "G DOGG"	832 S. Pacific Street Las Vegas, New Mexico
A-4	LUIS SANCHEZ, aka: "PAYASO"	749 Dora Celeste Drive Las Vegas, New Mexico
A-5	REBECCA DURAN, aka "REBECCA GALLEGOS"	37 County Road AO35 Mora, New Mexico
A-6	GILBERT ARAGON, aka: "GEBO"	2321 Romero Street Las Vegas, New Mexico
A-7	AMANDA SILVA	221 New Mexico Avenue Las Vegas, New Mexico
A-8	VICTOR VILLALOBOS, aka: "EVIL"	2218 Miguel Chavez Rd, B7, #707 Santa Fe, New Mexico
A-9	FRANK CARABAJAL, aka: "STRANGER"	1123 Harrison Road Santa Fe, New Mexico
A-10	FRANKIE HERRERA, aka: "JOKER"	3345 Vista Del Prado Court Santa Fe, New Mexico
A-11	LEROY E. ROMERO, aka: "SWAMP"	1027 Park Street, #MV-01 Espanola, New Mexico
A-12	DAVID M. VALDEZ, aka: "DAVESTER"	638C Fairview Lane, #C Espanola, New Mexico
A-13	LEOPOLDO SALAZAR, aka: "SUAVE"	576 County Road 001 Hernandez, New Mexico
A-14	GREG MONTOYA, aka: "JINX"	5606 Cleghorn Road NW Albuquerque, New Mexico
A-15	RAUL GUZMAN, aka: "SHOTGUN"	1328 Boatright Drive NE Albuquerque, New Mexico
A-16	JOHNNY RAY GALLEGOS	1104 Mimbres Street SW Albuquerque, New Mexico
A-17	DAVID CHAVEZ, aka: "WACKY"	2008 Nancy Street SW Albuquerque, New Mexico
A-18	MICHELLE YVETTE MORALES	1214 Riner Court SW Albuquerque, New Mexico
A-19	FRANCES MCALLISTER	14204 Sedrev Road NE Albuquerque, New Mexico
A-20	TIMOTHY ORTEGA	800 Caliche Road Wagon Mound, New Mexico

**PRISON AND JAIL SEARCHES:**

I understand officials from the New Mexico Corrections Department (NMCD), Santa Fe County Adult Detention Center (SFCADC), Bernalillo County Metropolitan Detention Center (MDC) and United States Bureau of Prisons (BOP) may be searching inmates who are believed to be members or associates of the Syndicato de Nuevo Mexico. The individual inmates and their jail/prison cells will be searched by the respective agencies, pursuant to the policy and procedure of the correctional facility.

**ARREST WARRANT SERVICE:**

Contemporaneous with the service of the requested search warrants, agents from the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and United States Marshals Service (USMS) will attempt to execute federal arrest warrants around central and northern New Mexico on approximately twenty-five persons for violations of Title 18 and 21 offenses.

## GLOSSARY OF KEY TERMS AND ENTITIES

BOP	United States Bureau of Prisons.
Burqueños	A security threat group, comprised of street gang members from Albuquerque, who band together for protection in prison and jail.
Carnal	A term used by the SNM and other Hispanic gangs to mean “brother.”
CHS	Confidential Human Source, CHS for both plural and singular.
Clavo	A hidden compartment or contraband item.
CNMCF	Central New Mexico Correctional Facility in Los Lunas, NM.
DACDF	Dona Ana County Detention Facility in Las Cruces, NM.
Drop-out	To renounce the gang, which usually includes formal debriefing with corrections staff or law enforcement.
DTO	Drug trafficking organization.
Eme	Mexican Mafia or La Eme (“M”), a California-based prison gang.
Fierro	A weapon, usually referencing a knife or shank.
Greenlight	A reference to a person or group who have been approved for violent assault or death by a gang or criminal group.
Hitter	A person who is able to get drugs into a correctional facility.
Kite	Secret message contained on a small piece of paper, also called a wela.
Los Carnales	A New Mexico based prison gang.
MDC	Bernalillo County Metropolitan Detention Center in Albuquerque, NM.
NMCD	New Mexico Corrections Department.
NMSP	New Mexico State Police.
OCDETF	Organized Crime Drug Enforcement Task Force.
Paperwork	Police reports or other discovery documents showing a person cooperated with law enforcement.
PNM	Penitentiary of New Mexico in Santa Fe, NM.
Put in work	To do something for the gang.
RICO	Racketeering Influenced and Corrupt Organizations.
Rollo	Information or a description of a particular situation (What’s the rollo?).
RPP	NMCD’s Restoration to Prison Population (gang drop-out) program.
SFADC	Santa Fe Adult Detention Center in Santa Fe, NM.
Shank	A clandestine knife or stabbing instrument.
Shot-caller	An influential gang leader.
Skina	To help out or show support.
SNM	Syndicato de Nuevo Mexico, a New Mexico based prison gang.
SNMCF	Southern New Mexico Correctional Facility in Las Cruces, NM.
SSGTF	FBI Safe Streets Gang Task Force in Albuquerque, NM.
STG	Security Threat Group. STG officers monitor prison gangs.
STIU	Security Threat Intelligence Unit. STIU officers monitor prison gangs.
Sureños	A California based street gang. There are Sureños members in NM.
UCA	Undercover agent.
USAO	United States Attorney’s Office.
USP	United States Penitentiary.
USPO	United States Probation Office.
Validation	The process used by prison officials to recognize and designate an inmate as a member of a gang. Not all gang members have been validated.
VCTF	FBI Violent Crime Task Force.
VICAR	Violent Crime in Aid of Racketeering.
Wesos	Spanish for “bones.” Gang members can earn their wesos by putting in work.
WSL	Westside Locos street gang.

**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION FOR SEARCH WARRANTS**

I, Bryan M. Acce, being duly sworn, do hereby depose and state as follows:

**I. TRAINING AND EXPERIENCE**

1. I am a Special Agent with the FBI and am recognized as a “federal law enforcement officer” within the meaning of Rule 41 of the Federal Rules of Criminal Procedure. I have been a sworn law enforcement officer for 19 years, serving as a police officer, detective, task force officer and FBI Special Agent. I have been with the FBI since 2009 and am currently assigned to the FBI Albuquerque Field Office, Violent Crime Task Force (VCTF),<sup>1</sup> where I primarily investigate violent repeat offenders and federal drug and firearm related crimes. Prior to my assignment to the VCTF, I served on the FBI Safe Streets Gang Task Force (SSGTF) in Albuquerque, New Mexico, and the FBI-DEA Hybrid Cross Border Drug Violence Squad in Las Cruces, New Mexico. I was the lead case agent in the government’s 2010-2014 Continuing Criminal Enterprise Drug Kingpin Act case against the Juarez Cartel, which resulted in extensive seizures of controlled substances, currency, firearms, and the indictment of multiple cartel leaders.
2. In early 2015, I initiated a gang-racketeering investigation into the illegal activities of the New Mexico Syndicate, more commonly referred to as the “Syndicato de Nuevo Mexico” or “SNM.” I continue to serve as the lead case agent in the government’s ongoing Racketeer Influenced and Corrupt Organizations (RICO) Act case against the SNM, which has focused on the members, associates, and other support elements that facilitate criminal activities at the direction of the SNM.

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<sup>1</sup> The VCTF is an FBI-sponsored task force comprised of investigators from the FBI, New Mexico State Police, Albuquerque Police Department and Bernalillo County Sheriff’s Office. The VCTF primarily focuses on violent repeat offenders engaged in federal firearm or drug related crimes.

3. To date, approximately 127 SNM members and associates have been arrested as a result of this investigation. The majority of the defendants were charged federally and most have been convicted. Over the course of the investigation, I have interviewed more than 100 gang members affiliated with the SNM (including current and former SNM leaders) regarding the various aspects of the organization.
4. Over the past 19-years, I have primarily worked investigations pertaining to gangs and drug trafficking organizations (DTOs). I have interviewed hundreds of gang members and drug traffickers about the various aspects of their criminal activities. I have developed and managed numerous informants who have been members of gangs or DTOs and monitored dozens of wiretaps and electronic surveillance recordings targeting gang members or drug distributors. I have also worked in an undercover capacity to infiltrate such criminal organizations.
5. I have received hundreds of hours of formal training in the area of gang, drug, and organized crime investigations from federal, state, and local law enforcement agencies. I've participated in hundreds of investigations pertaining to drug distribution, money laundering, firearms trafficking, gangs and criminal enterprises. My investigative experience includes: conducting surveillance; interviewing subjects, targets and witnesses; drafting and executing search and arrest warrants; acting in an undercover capacity; supervising cooperating sources; managing undercover agents; issuing subpoenas; analyzing phone records, financial records, telephone tolls, and Title III and consensual wiretap investigations. Through my training and experience, I am familiar with the methods and means used by individuals, DTOs, gangs, and criminal enterprises

to distribute controlled substances. I am also familiar with how those individuals and organizations hide the often substantial profits generated from their criminal activities.

6. I have qualified, in federal and state courts, as an expert witness on drug trafficking and possession of drugs with intent to distribute. I have qualified in federal court as an expert witness on the Juarez Cartel and I am an FBI subject matter expert (SME) on the Juarez Cartel and SNM prison gang.
7. I have served as an adjunct professor; law enforcement instructor; and presenter on drug and gang investigations at the California Highway Patrol, Los Angeles Police Department, New Mexico State Police and Bernalillo County Sheriff's Office Academies; as well as at training classes and seminars for the Organized Crime Drug Enforcement Task Force, International Outlaw Motorcycle Gang Investigator's Association, California Narcotic Officer's Association, California Gang Investigator's Association, New Mexico Gang Task Force, New Mexico State University, and University of New Mexico.

## **II. OVERVIEW OF THE INVESTIGATION**

8. The FBI and NMCD have been engaged in the investigation of the ultra-violent SNM prison gang for the past four-and-a-half years. The SNM is New Mexico's largest gang and it has historically controlled the majority of New Mexico's prisons and Hispanic street gangs. The SNM was formed in the wake of the deadly 1980 Santa Fe prison riot, in which thirty-three inmates were murdered and fourteen correctional officers were taken hostage, beaten, and sexually assaulted. Following the prison riot, the SNM expanded throughout the New Mexico penal system and bolstered hundreds of members.

Over the past thirty years, SNM members have murdered four New Mexico police officers.<sup>2</sup>

9. By way of background, the SNM had been on-and-off federal and state law enforcement's radar for many years; however, no prior investigations resulted in substantial prosecutions of SNM members. The 2015 investigation began after leaders of the gang directed numerous SNM members on the street to locate and murder the then cabinet secretary of the NMCD. The SNM leaders also called for the murder of two additional NMCD administrators and their families. The investigation was further predicated by the fact the SNM had a decades long history of murder, kidnapping, extortion, drug trafficking, aggravated assault and other violent crimes. The investigation was subsequently designated a United States Department of Justice Organized Crime Drug Enforcement Task Force (OCDETF) investigation, titled "Operation Atonement."
10. While the investigation remains active, I am able to attest to the fact the FBI was able to thwart the murder plot directed at the NMCD officials and arrest the conspirators. Moreover, I believe our investigative actions and prosecutions deeply disrupted the gang's criminal activities within the State of New Mexico. Much of the disruption was accomplished through the implementation of various undercover and advanced investigative techniques, to include:
  - a) Ninety-eight undercover drug and firearm buys from SNM members/associates;
  - b) Forty-two confidential human sources developed within the gang and utilized operationally;

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<sup>2</sup> Mesilla Marshal's Office Sergeant Thomas Richmond (1988), Albuquerque Police Sergeant Cheryl Tiller (1998), Bernalillo County Deputy James McGrane (2006) and Rio Rancho Police Officer Nigel Benner (2015).

- c) Nine court-authorized wire intercepts with eleven extension orders, two of which were deployed within the maximum-security prison in Santa Fe, New Mexico;
- d) Eleven pen register/trap and trace orders to locate SNM fugitive ANGEL DELEON in Mexico;
- e) Approximately 450 hours of electronic surveillance recordings of gang meetings and conversations;
- f) Nine “cold-case” homicides solved and charged as RICO Act conspiracy and/or Violent Crimes in Aid of Racketeering (VICAR), to include a 2001 double-homicide in Las Cruces, New Mexico; and
- g) RICO Act conspiracy charges comprised of 258 overt acts committed by members of the SNM.

11. The four-and-a-half year investigation was segmented into separate phases: (1) Phase I, II and III takedown operations; (2) extensive trial preparation and motions hearings; (3) three separate racketeering trials in Las Cruces and Albuquerque, New Mexico; (4) tracking and arresting fugitive SNM member ANGEL DELEON in Mexico; (5) post-trial hearings; (6) sentencing, which remains on-going; and (7) the continued pro-active monitoring of the gang by law enforcement and corrections officials.

12. **The Phase I Takedown:** In December 2015, forty SNM members and associates were indicted on federal racketeering, drug, and firearm charges within the District of New Mexico. Shortly thereafter, multiple FBI Special Weapons and Tactics (SWAT) teams deployed around the state and executed forty-six federal search warrants. Contemporaneous with the service of the search warrants, five NMCD prisons around the state were placed on lock-down and all SNM inmates within the prisons were searched.

In addition, fifty-five SNM members on state parole or probation were contacted and searched by NMCD officers and law enforcement. The prison shakedowns and probation/parole searches yielded additional arrests, interviews, and intelligence information.

13. In the months that followed the Phase I Takedown, case agents arrested several additional SNM members and associates via criminal complaints for VICAR homicide; firearm violations; tampering with and retaliating against a witness, victim, or an informant; possession with intent to distribute controlled substances; and conspiracy to distribute controlled substances.
14. **The Phase II Takedown:** In April 2016, FBI agents and federal prosecutors presented additional evidence to a federal Grand Jury and obtained two supplementary indictments against thirty-nine additional members and associates of the SNM. The two indictments incorporated twenty-two counts of RICO Act conspiracy; VICAR (murder, attempt murder, conspiracy to commit murder, assault with a deadly weapon resulting in serious bodily injury and conspiracy to commit assault with a deadly weapon resulting in serious bodily injury); being a felon in possession of a firearm; using or carrying a firearm during and in relation to a crime of violence; and aiding and abetting. FBI agents arrested dozens of SNM members and associates during the Phase II takedown.
15. **The Phase III Takedown:** In September 2016, FBI agents served twelve federal search warrants on SNM members believed to be plotting to disrupt the government's investigation by murdering witnesses and informants. Case agents also developed information indicating SNM members had discussed killing FBI agents and federal prosecutors. Select SNM members in the BOP and NMCD prisons were also searched.

During the service of the Phase III search warrants, FBI agents seized twelve firearms from residences in Albuquerque and arrested several subjects.

16. As a result of Phases I-III, more than ninety SNM defendants were charged with federal violations. Forty-four defendants were charged with federal racketeering (VICAR/RICO) violations, and the majorities of the defendants pled guilty or were convicted. I believe it noteworthy to mention that although the SNM was deeply entrenched in the New Mexico prison system, seventy-percent (70%) of the defendants arrested thus far were out-of-custody (or on the street) at the time of their arrest. Based on my investigation, I believe the SNM yields considerable power and influence on the street and in prison.
17. **The Present-Day Status of the Investigation:** The FBI continues to monitor the SNM and target certain members for prosecution, based on their relentless commitment to criminal activity. The United States, through its investigative team, has become aware of grave threats directed at several government witnesses and cooperating defendants in the United States' case against the gang. One such government witness, LEROY LUCERO, aka "SMURF," was murdered on July 22, 2019, by armed assailants in the driveway of his residence in Las Vegas, New Mexico. I believe the murder of LEROY LUCERO was engineered by leaders within the SNM and perpetrated by members and associates of the gang, who operate within the District of New Mexico and elsewhere. I have probable cause to believe similar threats and a conspiracy to murder government witnesses exists. I am also aware certain members of the SNM have advocated for FBI agents and federal prosecutors to be harmed. I believe the requested search warrants will yield evidence of such a plot, as well as an on-going conspiracy by members and associates of the SNM to distribute controlled substances.

18. The requested search warrants are based on two sets of criteria: (1) information from sixteen confidential human sources, all of whom are members or close associates of the SNM;<sup>3</sup> and (2) information derived from my knowledge about the SNM.
19. I believe all sixteen informants utilized in the present-day investigation to be reliable. I recognize their cooperation with the FBI is a serious betrayal to the SNM and grounds for execution by the SNM, should their identities be revealed. My assertion that the SNM will kill informants, suspected informants, or those who betray the gang, is not grounded in theory or assumption. Rather, I am aware the SNM has killed such persons, who they regard as traitors, on numerous occasions and will provide several examples of such conduct in the pages that follow.

### **III. PURPOSE OF THE AFFIDAVIT**

20. Based on the evidence obtained in this investigation, and as described herein, I believe there is probable cause to believe the physical properties associated with the individuals VICTOR VILLALOBOS, aka: “EVIL;” GREG MONTOYA, aka: “JINX;” RAUL GUZMAN, aka: “SHOTGUN;” DOMINIC GUTIERREZ, aka: “GAGE;” FRANKIE GALLEGOS, aka: “CUNTE;” SAMUEL SILVA, aka: “RABBS;” SALVADOR OROZCO HERNANDEZ JR., aka: “TORO;” MICHELLE YVETTE MORALES, aka: “YVETTE BACA;” FRANCES M. MCALLISTER, aka: “FRANCES BACA;” MARVIN MCALLISTER, aka: “LOONEY;” JONATHAN GOMEZ, aka “BABY G;” RUFINO J. MARTINEZ, aka: “MONO;” ROBERT A. TRUJILLO, aka: “SLEEPY;” FRANK CARABAJAL, aka: “STRANGER;” FRANKIE HERRERA, aka: “JOKER;” LEROY E. ROMERO, aka: “SWAMP;” DAVID M. VALDEZ, aka: “DAVESTER;”

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<sup>3</sup> Much of the information from the sixteen confidential human sources pertaining to SNM activities in and around Las Vegas, New Mexico, were corroborated by lawfully intercepted wire communications collected on multiple DEA wiretaps.

LEOPOLDO SALAZAR, aka: "SUAVE;" JOHNNY RAY GALLEGOS; DAVID CHAVEZ, aka: "WACKY;" RUDY D. CHAVEZ, aka: "SNOOPS;" ROBERT PADILLA; GARY COCA; MARCOS RUIZ; ARTURO RUIZ; LUIS SANCHEZ, aka: "PAYASO;" REBECCA DURAN, aka: "REBECCA GALLEGOS;" GILBERT ARAGON, aka: "GEBO;" LARRY R. MARTINEZ, aka: "PSYCHO;" JOHN F. SALAZAR, aka: "STONER;" GEORGE A. SENA, aka: "G DOGG;" AMANDA SILVA and TIMOTHY ORTEGA (collectively, the "Target Subjects") contain evidence of various forms of federal criminal activity.

21. This affidavit is submitted in support of search warrants for evidence, fruits, and instrumentalities of violations of:
  - a) 18 U.S.C. § 1962(d) RICO Act conspiracy;
  - b) 18 U.S.C. § 1959 VICAR;
  - c) 18 U.S.C. § 1791 Providing contraband to a federal prisoner;
  - d) 18 U.S.C. § 1513 Retaliating against a witness, victim, or an informant;
  - e) 18 U.S.C. § 1512 Tampering with a witness, victim, or an informant;
  - f) 18 U.S.C. § 924(c) Use of a firearm in furtherance of a crime of violence or drug trafficking crime;
  - g) 18 U.S.C. § 922(g) Prohibited person in possession of a firearm or ammunition;
  - h) 18 U.S.C. § 2 Aiding and abetting;
  - i) 21 U.S.C. § 846 Conspiracy to distribute controlled substances; and
  - j) 21 U.S.C. § 841(a)(1) Possession with intent to distribute controlled substances.
22. Hereinafter I will refer to the aforementioned violations as the "Target Offenses."

23. The specific premises to be searched have been described in Attachment A, which has been attached hereto and incorporated herein by reference, and are collectively referred to as the “Subject Premises.” The particular evidence, fruits, and instrumentalities to be seized by law enforcement are set forth in Attachment B, which has been attached hereto and incorporated herein by this reference.
24. This affidavit also seeks the Court’s permission to allow the FBI agents executing the search warrants to search the bodies of the Target Subjects for tattoos evidencing membership in or association with the SNM, to include support gangs such as the Westside Locos, 18<sup>th</sup> Street, 14<sup>th</sup> Street, San Jose, Valley Gardens, Brew Town, El Washe, Barelas and other street gangs, and to photograph those tattoos. I believe such tattoos may constitute a conspiratorial overt act and have utilized such photographic evidence during gang-RICO jury trials in the past.
25. I am submitting this affidavit based upon my experience and familiarity with the investigation of the SNM. This affidavit does not set forth all of my knowledge or summarize all of the investigative efforts in the overall investigation; rather, this affidavit sets forth facts that support probable cause to search the requested locations and persons, as well as relevant background information. During my investigation, I have developed information I believe to be reliable from the following sources:
  - a) Information provided by the FBI, DEA, USMS, BOP, NMCD, U.S. Probation Office (USPO), and other law enforcement or corrections officials (also referred to herein as “agents”), including oral and written reports;
  - b) Results of physical surveillance;
  - c) Information provided by undercover agents and informants;

- d) Information derived from consensually recorded conversations;
- e) Information provided by cooperating defendants and/or the defense attorneys representing those persons;
- f) Information derived from lawfully intercepted wire communications, to include telephone, text, email, and video; and
- g) Records from the FBI National Crime Information Center (NCIC), U.S. District Courts, New Mexico Courts, and the New Mexico Motor Vehicle Division.

26. Where I refer to conversations herein, they are related in substance and, in-part, based on conversations between fellow agents, task force officers, other law enforcement personnel, or confidential human sources that assisted law enforcement. Any observations referenced herein that I did not personally witness were relayed to me in oral and/or written reports by agents of the FBI or other agencies. All figures, times, and calculations set forth herein are approximate. Unless otherwise specified, weights of controlled substances are approximate and are based on gross measurements.

**IV. BACKGROUND ALLEGATIONS REGARDING  
GANGS AND DRUG TRAFFICKERS**

27. Based upon my training, experience, and participation in the SNM investigation, as well as the investigation of other gang/criminal enterprises and DTOs, I am aware of the following information:

- a) Individuals engaged in the type of criminal conduct constituting the Target Offenses (RICO Act conspiracy; VICAR; providing contraband to a federal prisoner; tampering with or retaliating against a witness, victim, or informant; use of a firearm in furtherance of a crime of violence or a drug trafficking offense; being a felon in possession of a firearm or ammunition; aiding and abetting; and

conspiracy and distribution of controlled substances) maintain documents, letters and records relating to their illegal activities for long periods of time. This documentary evidence is usually secreted in their place of residence, or the residences of family members, friends or associates, in their business locations, or in stash houses. This documentary evidence includes: telephone numbers, address books, travel receipts, notes referencing aliases or coded names, false identification, money order receipts, money orders, money remittance receipts, pre-paid money cards such as, MoneyPak, Wal-Mart, Green Dot, or other debit cards, bulk U.S currency, money collection logs, such as "tally" sheets, drug load sheets, shipping/mailing receipts, detention facility inmate number lists or addresses for inmates or detention facilities.

- b) Individuals engaged in the type of criminal conduct constituting the Target Offenses maintain regular contact with one another. This contact does not terminate once an individual is incarcerated. Members of gang/criminal enterprises routinely send and receive letters from other members of the organization in which they discuss ongoing criminal activities and request various forms of assistance, to include financial help and/or witness intimidation or elimination (as is the case in the instant investigation). Incarcerated members of gang/criminal enterprises communicate via telephone calls, some of which are generated via third parties. In addition, incarcerated members often keep photographs of themselves and other members of the gang/criminal enterprise in order to impress or intimidate others.

- c) Members of the SNM, and the street gangs that support the SNM, such as the Westside Locos, 18<sup>th</sup> Street, 14<sup>th</sup> Street, San Jose, Valley Gardens, Brew Town, El Washe, Barelas and other street gangs, aggressively pursue informants, suspected informants, and persons who betray the SNM. I am aware the SNM relays such information to one another through covert communications, messages, emails, telephone calls, personal visits, letters, and mail disguised as “legal mail.” SNM members and associates send controlled substances to inmates disguised as legal mail. The instruments used to create fictitious and fraudulent legal mail include letters, writings, envelopes, stamps, labels, printing devices, or markings used to create such packages.
- d) I know that members and associates of gang/criminal enterprises and DTOs have access to numerous cellular phones, often at the same time, in an effort to avoid law enforcement monitoring. I have observed gang members, who are involved in drug trafficking, routinely use pre-paid phones requiring no subscriber information, or fictitious subscriber names, to advance their unlawful activities. These cellular telephones often contain names and phone numbers of other co-conspirators, text messages utilized to further their illicit activities, photographs and videos of gang members, controlled substances, drug proceeds, or firearms. I have observed incarcerated members of gang/criminal enterprises utilize non-gang member’s personal identification number when making prison/jail telephone calls to mask their conversations and decrease the likelihood STIU or STG officers will monitor the call.

- e) In addition, I am also familiar with the use of text messaging, instant messaging, and messaging applications, used by gang/criminal enterprises and DTOs to advance their unlawful activities. Members of gang/criminal enterprises and DTOs often use the same strategy to mask their ownership of vehicles, real property, and utility services, in an effort to avoid detection by law enforcement. I am aware NMCD and BOP inmates are able to utilize email services while incarcerated and believe those services are widely used by the inmates.
- f) Individuals involved in the distribution of controlled substances often conceal evidence of their drug trafficking activities in their residences and businesses, or the residences of friends or relatives, and in surrounding areas to which they have ready access, such as garages, carports and outbuildings. They also conceal evidence in vehicles, including vehicles outside of their residences, so that they have ready access to it and so that they can hide it from law enforcement officers executing search warrants at their residences or businesses. I have also observed individuals involved in drug trafficking bury evidence underground in containers on their property.
- g) Members of gang/criminal enterprises and DTOs often maintain records of their transactions in a manner similar to the record keeping procedures of legitimate businesses. Even after the drugs are sold, documentary records often remain for long periods of time, even years, to memorialize past transactions, especially when debts remain open. I have located notes documenting the status of accounts receivable and accounts payable, and the names and phone numbers of suppliers, customers, and co-conspirators, and other associates who have assisted drug

traffickers in other ways, such as helping with the cleansing of otherwise “dirty” money. I am aware such proceeds may be made to appear “clean” through a variety of means, including investments into legitimate enterprises and structuring deposits of large amounts of U.S. Currency into financial institutions in such a way so as to avoid the detection by law enforcement, as well as reporting requirements of banking institutions. These records can be maintained on paper, in the form of business and personal ledgers and diaries, calendars, memoranda, pay-owe sheets, drug ledgers, IOUs, miscellaneous notes, money orders, customer lists, and phone address books, both in hard copy or electronic form. I have personally been involved in search warrants which resulted in the discovery of such records that were more than a year old.

- h) Individuals involved in gang/criminal enterprises and DTOs possess items of identification, including but not limited to, driver's licenses, rent receipts, bills, and address books. These items may be relevant to the identity of those involved in the criminal enterprise, the possessor of the items seized, and occupants of the premises searched.
- i) I am aware that members of the SNM use; possess; and conceal bladed and/or blunt weapons; such as knives, shanks, razor blades, metal pipes, metal fittings, edged weapons; and firearms; to include rifles, shotguns, and handguns. These weapons are used and possessed by members of the gang to commit murders, attempted murders, assaults, robberies, to protect illicit drug supplies, to avoid arrest or escape from custody, to intimidate rivals, victims, witnesses, and persons who have betrayed the SNM, to impose discipline within the gang, and for other

violent crimes. I know that firearms are instrumentalities of the crime of drug trafficking and that firearms are critical “tools of the trade” for the SNM. Members and associates of the SNM are expected to possess and maintain weapons and firearms. I am aware members of DTOs often possess firearms to protect their drug supply and proceeds.

- j) The items described above are often stored by members of gang/criminal enterprises and DTOs on their person, in their businesses, residences and surrounding garages, outbuildings, and yards, the residences of friends or relatives, and vehicles.

#### **V. THE SNM CRIMINAL ENTERPRISE**

28. The SNM, including its leadership, membership, prospects, and associates, constitutes an enterprise as defined in 18 U.S.C. § 1959(b)(2), that is, a group of individuals associated in fact that engaged in, and the activities of which, affect interstate commerce. The enterprise constitutes an ongoing organization whose members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

29. I am aware that members and associates of the SNM commit, conspire, attempt, and threaten to commit acts of violence to protect and expand the enterprise’s criminal operations and reputation. Historically, the SNM generated income by distributing controlled substances, extorting weaker drug dealers, and participating in robberies and burglaries. To maintain the SNM criminal enterprise, members of the gang discuss:

- a) the membership, rules (which the SNM refer to as “reglas”), and enforcement of the rules;
- b) the status of SNM members and associates;
- c) the discipline of SNM members;
- d) encounters with law enforcement;
- e) the identities of individuals suspected of cooperating with law enforcement and the proposed actions to be taken against them; and
- f) plans and agreements regarding the commission of future crimes, including murder, assault, robbery, drug distribution, possession of weapons and firearms, as well as ways to conceal these crimes.

30. With regard to the possession and concealment of weapons and firearms, I am aware members of the SNM, and the street gangs that support the SNM, use, possess, and conceal bladed and/or blunt weapons, such as knives, shanks, razor blades, metal pipes, metal fittings, and similar weapons when incarcerated. Similarly, SNM members on the street use, possess, and conceal firearms and edged weapons. These weapons are used and possessed by members of the gang to commit murders, attempted murders, assaults, robberies, to protect illicit drug supplies, to avoid arrest or escape from custody, to intimidate rivals, victims, witnesses, and members or associates who have betrayed the SNM, to impose discipline within the gang, and for other criminal activity. I have arrested several SNM members and associates for:

- a) murder in aid of racketeering;
- b) using and carrying a firearm during and in relation to a crime of violence;
- c) assault with a dangerous weapon in aid of racketeering; and

d) possession of firearms, or ammunition, by a convicted felon.

31. I am aware the vast majority of the SNM members are convicted felons, as supported by the fact the SNM criminal enterprise is a prison gang, comprised primarily of state or federal inmates, or former inmates.

32. I am aware the SNM maintains separate, but related, hierarchies within the NMCD (state) prisons and the BOP (federal) facilities. The majority of the SNM membership is confined to the NMCD prisons; however, dozens of members are serving time in the BOP or are on federal supervised release. With the federal convictions of scores of SNM members, their presence within the BOP will increase.

33. An SNM member can be considered a “state” or a “fed” member, and those terms are used to describe where the individual member “earned his bones” or was “made” a member – that is, performed criminal acts that displayed fidelity to the mission and interests of the gang. The terms may also describe where the member served the majority of his time as a member of the gang. I have observed some members to be proud of the fact they represented the gang in both structures.

34. Communication between the state and federal SNM members is crucial in order to relay orders from gang leaders; communicate gang truces or wars; share information on members and their locations within the prison system, particularly the recruitment of new members and disavowing of members; inmate release dates; the identity of suspected informants; money transfers; and the ever present distribution of controlled substances; as well as other information. Communication between the state and federal SNM members has increased dramatically, which is not surprising given the large number of SNM members headed to the BOP. The SNM, like other prison

gangs, maintains a tenuous presence within the BOP, and a significant increase, or decrease, of incarcerated members can impact “prison politics” or the balance of power among the prison gangs. The influx of SNM members into the BOP will likely give rise to the SNM’s footprint within the federal prisons. I am aware SNM member SAMUEL SILVA, aka: “RABBS,” killed a fellow inmate at the United States Penitentiary (USP) Lee in Virginia, on or about September 14, 2018. I believe the “hit” had been sanctioned by the powerful Mexican Mafia prison gang<sup>4</sup> and resulted in a favorable image for SAMUEL SILVA and the SNM, as the victim is believed to have been on a “greenlight” list.

35. I am aware that the federal SNM members have peace treaties with some of the prison gangs within the BOP. As such, the federal members of the SNM will need to educate their incoming “brothers” on the proper ways and mechanisms within the BOP. One potentially disastrous scenario for the SNM would be for the gang to have informants or cooperators among the ranks of the incoming members. In order to maintain power within the federal prisons, I believe the SNM will need to remain organized, dedicated to their mission, and rid themselves of informants and weak members.

36. The SNM has long sought to bring all of the New Mexico-based, Hispanic street gangs under their control, much like the Mexican Mafia prison gang has done with

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<sup>4</sup> The Mexican Mafia, also known as La Eme (Spanish: "M") or The Black Hand, is a highly organized Mexican American prison gang in the United States. California and U.S. Bureau of Prison officials report that the Mexican Mafia is the most powerful gang within the California and U.S. prison systems. Nearly 2,400 California Sureños in the BOP take orders from the Mexican Mafia. Source: FBI National Gang Intelligence Center and U.S. Bureau of Prisons.

the California Sureños street gangs.<sup>5</sup> I believe the SNM's unification of the street gangs is needed to enhance the SNM's presence inside the prisons and counter the growth of rival prison gangs.

37. In summary, I believe the SNM exists almost exclusively to engage in racketeering activity. Generally speaking, it has been my observation that SNM-generated crimes are not random, SNM members do not act alone, SNM affairs are widespread within the prison/jail system and on the street, and SNM members engage in criminal activity for sustained periods of time. I believe the SNM has historically engaged in a wide variety of crimes; however, I consider the SNM to be most proficient at murder and smuggling drugs into prison.

## **VI. THE HISTORY OF THE SNM**

38. The SNM was formed at the Penitentiary of New Mexico after a prison riot in February 1980. During the prison riot, fourteen correctional officers were taken hostage and several of them were seriously assaulted and raped by inmates. Thirty-three inmates were killed during the riot, and more than two hundred were injured. The majority of inmates killed were perceived to be "rats" or informants.

39. Following the prison riot, the SNM expanded throughout the New Mexico penal system and has bolstered more than 500 members since the early 1980s. NMCD officials estimated the SNM is currently comprised of at least 250 active members,

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<sup>5</sup> Sureños (Spanish: Southerners) Sur 13 or Sureños X3 are groups of affiliated Hispanic gangs that pay tribute to the Mexican Mafia while in state and federal correctional facilities. The Sureños' originated in southern California and that region remains its stronghold, although gang officers in Arizona, New Mexico, and Nevada report a large presence of Sureños gangs in their regions. Sureños have emerged as a national gang in the United States. Source: FBI National Gang Intelligence Center and U.S. Bureau of Prisons.

who were known as “hermanos,” “brothers,” “carnales,” “dons,” “jefes,” “big homies,” or “Zia manos.”

40. Despite being imprisoned and closely scrutinized by prison officials and the FBI, SNM leaders still manage to convey their orders to gang members and associates throughout the prison system and outside the prison system through a variety of means, including contraband cellular telephones, secret notes called “kites” or “welas,” coded letters, and messages conveyed by complicit visitors.<sup>6</sup> When SNM members or associates complete their sentences and rejoin their communities, they are expected to remain loyal to the SNM and work to further the goals of the SNM outside the prison environment. One of the significant goals of the SNM is to control and profit from drug trafficking inside the penal system and on the street.
41. In addition to exerting its control in the NMCD and BOP, the SNM also operates on the streets of New Mexico by intimidating and influencing smaller New Mexico Hispanic gangs for the purpose of establishing a larger network for the SNM’s illegal activities. If a gang does not accede to the SNM, the SNM will assault or kill the gang’s members who are not in custody as well as those members who are incarcerated within the NMCD or county jails. In addition to intimidation through direct assaults, the SNM is also able to assert control and influence over gang members outside the prison walls because gangs do not want their members outside the penal system to be assaulted or killed, and because the gang members know that, if they are incarcerated, they may encounter SNM members while they serve their sentences.

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<sup>6</sup>The SNM utilizes female family members and girlfriends to pass messages to other members of the gang. Female associates and family members have also been used to smuggle drugs into prison facilities on behalf of the SNM.

42. In years past, the SNM engaged in a violent war with rival prison gangs, to include the Aryan Brotherhood, Barrio Azteca, Burqueños, and Los Carnales. I believe the SNM currently maintains peace treaties with the Aryan Brotherhood and Los Carnales; however, the SNM remains in conflict with the Burqueños and all Texas-based prison gangs, to include the Barrio Azteca and Texas Syndicate. Within the prison system, this rivalry manifests itself in beatings and stabbings, which often result in death. Outside the prison system, the SNM fights for control of territory in which to conduct narcotics trafficking and other crimes, as well as to recruit and influence non-gang members. In addition to fighting for control over numerous illegal activities and using violence and terror for the purpose of enriching members, the SNM also engages in violence simply to assert its gang identity, to claim or protect territory, to challenge or respond to a challenge, to retaliate against a rival gang or member, to gain notoriety, and show superiority over others. I have heard from numerous SNM members they believe the gang's greatest legacy is its reputation as an ultra-violent organization.

43. The SNM strives to have a reputation for being strong and powerful and must maintain its membership to continue functioning as an organization in prison and on the streets. If the SNM is perceived as being weak, then rival gangs could challenge and assault its members and take over its territory. This could cause the SNM to lose membership and eventually dissolve. If the SNM maintains a large membership and a reputation for being dominant, rival gangs may think twice before they challenge it. Similarly, victims and witnesses may think twice about assisting authorities with any prosecution attempt against the gang. I have

encountered potential witnesses and victims who were too afraid to speak with law enforcement and much less willing to testify against the SNM.

44. A member of the SNM is expected to seek out and beat, stab, or shoot rival gang members. Similarly, a member of the SNM is expected to confront and attack suspected law enforcement informants and sex offenders. Such opportunities are referred to as “smash on sight.”
45. SNM members identify themselves with the Zia symbol and the letters “SNM” or “S.” The SNM members also utilize the numbers “19,” which represents the 19<sup>th</sup> letter of the alphabet, “S,” and “505,” which corresponds with the area code for the greater Albuquerque area. The SNM claims the entire state of New Mexico as its territory, which is broken up by four geographical regions: North, South, East and West. SNM members display these numbers, letters, and symbols in tattoos, graffiti, drawings, and on clothing as a way of displaying their affiliation, loyalty, and commitment to the SNM.
46. Only men can be members of the SNM.<sup>7</sup> The term “Zia Lady” is used by the SNM to describe highly respected and influential female associates of the gang.
47. SNM members frequently commit "branded" criminal acts, in other words, they commit crimes in the name of the gang. Examples of branded criminal acts include: gang members shouting references to SNM before or during a crime; gang members demanding property or services because of their membership; and gang members

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<sup>7</sup> The NMCD has identified some female inmates as suspected members of the SNM; however, I do not believe a female can be a “suspected” or “validated” (the two classifications NMCD designates gang members) SNM member. My belief is based on my interviews of more than fifty validated members of the SNM, to include leaders and founding members of the gang.

killing or attempting to kill members of rival gangs. SNM members have been known to kill or attempt to kill law enforcement officers as well (see footnote 2 for additional details).

48. Weapons, to include blunt force and edged weapons, and firearms, to include handguns, rifles, and shotguns, are important tools of the trade and instrumentalities of the SNM.
49. SNM members operate under a “blood in, blood out” philosophy, which prohibits them from dropping out of the gang. The term “blood in, blood out,” means a prospective member must assault or kill a person to gain entrance into the gang, and the only way out is death. A prospective member of the SNM must be sponsored by at least three SNM members, who “raise their hand,” or vote-in the prospect.
50. Members who are in “bad standing” within the gang are put on a “greenlight” list, which means they are to be assaulted or killed by other members of the gang. If a member is to be killed by the gang, the responsibility often falls on the senior member(s) that sponsored, or brought, that member into the gang. Similarly, if a leader is put on the greenlight list, then the younger members who were brought in by that leader may be asked to take out the leader.
51. SNM members are forbidden to speak with law enforcement officials and to do so may result in the SNM member’s violent death at the hands of his fellow gang members, as was the case on multiple occasions in this investigation.

## VII. VIOLENCE TARGETING GOVERNMENT WITNESSES AND AGENTS

52. Over the course of this investigation, I have become aware of several instances in which members or associates of the SNM have threatened or conducted violent acts aimed at victims, witnesses, case agents, federal prosecutors, and informants (to include suspected informants).

53. The FBI refers to its informants as confidential human sources (hereinafter “CHS” for both plural and singular). Some of the examples of violence targeting victims, witnesses, agents, attorneys and CHS follow:

54. Example 1: In February 2016, during a recorded telephone call, a CHS, who was a member of the SNM, spoke with SNM member CARLOS HERRERA, aka: “LAZY,” and HERRERA’s mother, who was a long-time heroin dealer and prior target of Operation Atonement. The CHS attempted to order heroin from CARLOS HERRERA’s mother. CARLOS HERRERA and his mother became suspicious of the CHS and subsequently declined to sell heroin to the CHS. A few days later, the CHS was shot several times by a street gang member with family ties to the SNM. It should be noted the CHS was utilized in the Operation Atonement Phase I takedown operation, which resulted in the arrest of dozens of SNM members and associates.

55. Example 2: In February 2016, SHAUNA GUTIERREZ, the girlfriend of SNM member JOE LAWRENCE GALLEGOS, had SNM member PAUL RIVERA, aka: “OSO,” and SNM associates BRANDY RODRIGUEZ, aka: “WEDA,” and SANTOS GONZALEZ assault victim J.G. At the time of the assault, J.G had agreed to cooperate with the Valencia County Sheriff’s Office in an aggravated battery prosecution against JOE LAWRENCE GALLEGOS. The assailants beat J.G. with

clubs and a machete, and told J.G. the assault was due to the fact J.G. was scheduled to testify against JOE LAWRENCE GALLEGOS. During the attack, J.G. was struck in the head with the machete at least two times and suffered serious bodily injuries.

56. Example 3: In March 2016, SNM member CARLOS HERRERA, aka: “LAZY,” was overheard on a covert FBI recording device, located within a prison facility, talking to other SNM members about killing FBI agents and blowing up a federal building, due to the FBI’s investigation of the SNM.
57. Example 4: In March 2016, SNM member CARLOS HERRERA, aka: “LAZY,” was overheard on a covert FBI recording device, located within a prison facility, talking to other SNM members about killing informants and anyone else that cooperated with the FBI.
58. Example 5: In March 2016, the brother of a CHS was shot by suspected members of the SNM in Dona Ana, New Mexico, and the family of the CHS reported they were threatened by members of the SNM.
59. Example 6: In April 2016, SNM member ARTURO GARCIA, aka: “SHOTGUN,” who had been charged with murder in aid of racketeering and RICO conspiracy, communicated to a cooperating witness, the names of persons who were on the SNM’s “green light” list. The list included several employees of the NMCD, various jail staff members, and several cooperating defendants.
60. Example 7: In June 2016, SNM member SAMUEL SILVA, aka: “RABBS”, who was facing federal carjacking and firearms charges, solicited a CHS to locate and murder two civilian victims before his federal trial began. SAMUEL SILVA provided the CHS with the names, addresses, and photos of the victims. Prior to requesting the

CHS's assistance, SAMUEL SILVA requested another SNM member to murder his victims; however, that member was arrested on RICO conspiracy charges during the Phase II takedown operation.

61. Example 8: In July 2016, a cooperating defendant, who was a member of the SNM incarcerated with other SNM members, reported several members were trying to get close to former SNM leader, who had pled guilty to VICAR charges, so they could murder him.
62. Example 9: In August 2016, SNM leaders called for a meeting among SNM members (state and federal) on the street, to re-organize the gang and "hit" certain informants and witnesses that were suspected of cooperating with the FBI. The threat was mitigated when the FBI executed twelve federal search warrants on suspected conspirators and recovered twelve firearms during the Phase III takedown operation.
63. Example 10: In August 2016, correctional officers at the Torrance County Detention Center in Estancia, New Mexico, found three shanks in the SNM pod where several SNM racketeering defendants were being held. Subsequent cooperating defendants, who were in the pod at the time, reported the shanks were to be utilized to hit fellow SNM members who were suspected of cooperating with the FBI.
64. Example 11: In December 2016, an SNM member who had been charged with murder in aid of racketeering, decided to cooperate and debriefed with the government. The cooperating defendant had been housed with the other SNM defendants in the pending RICO cases and related the SNM wanted to hit, "Acee (Special Agent Bryan Acee) or Armijo (Assistant U.S. Attorney Maria Armijo) because they're the lead agent and prosecutor." The cooperating defendant went on to

say, “but anyone on the team would work” and explained the SNM wanted to hit the government to “get revenge and to demonstrate the power of the SNM.”

65. Example 12: In January 2017, an SNM member who was incarcerated in the NMCD for first degree murder was debriefed by the government. The SNM member was the highest-ranking member of the SNM at the Southern New Mexico Correctional Facility in Las Cruces, New Mexico, at the time. During the interview, the SNM member said the SNM wanted to hit an FBI agent, prosecutor or judge if the opportunity presented itself, due to the RICO prosecution of the gang.

66. Example 13: In October 2017, an SNM member who had been charged with murder in aid of racketeering, agreed to cooperate with the government. The cooperating defendant, who was in the USMS cell block at the federal courthouse, surrendered two shanks to case agents. The cooperating defendant had carried both shanks in his rectum on each prior trip to the courthouse and had sat in the courtroom with them. The cooperating defendant said he had intended to hit a cooperator(s), if given the chance.

67. I am aware at least four other SNM defendants possessed shanks while in the courtroom, because officials subsequently recovered the weapons or those defendants ended up cooperating and admitting such.

68. Example 14: In July 2018, a government witness who was incarcerated at the PNM North facility received a threatening communication. The witness previously testified as a witness in all three racketeering trials against the SNM. The government witness received a sack lunch with his name and prison cell written on the bag. Inside the bag, the witness discovered a “kite” (a small clandestine note or letter passed from inmate-

to-inmate) located between two pieces of sliced cheese. The kite indicated the witness was a rat and a liar, and threatened the witness and his family. The kite referenced a violent kidnapping and murder that had occurred in Albuquerque, and the author of the kite claimed to have photos of the witness's ex-wife. The author of the kite referenced taking the witness's ex-wife and making her their wife, and included a pornographic image to accompany the threat.

69. Example 15: In August 2018, an SNM member who had been charged with murder in aid of racketeering, agreed to cooperate with the government and submitted to a debrief. Prior to this, the SNM member had been incarcerated with the other SNM RICO defendants. The SNM member related to the government that SNM leader ARTURO GARCIA, aka: "SHOTGUN," "wants to kill Acee (Special Agent Bryan Acee) or anyone on the prosecution team to make sure he remained good when he entered the feds (BOP)." ARTURO GARCIA boasted to the other inmates he had money and resources on the street to "get things done."
70. Example 16: On or about January 11, 2019, SNM member DOMINIC SEDILLO, aka: "SICARIO," and an SNM associate shot a former member of the SNM, who had dropped-out of the gang. The shooting took place outside a residence in Albuquerque, New Mexico, and the victim survived, but did not cooperate with police. DOMINIC SEDILLO and the other suspect are currently facing aggravated battery charges as a result of that incident.
71. Example 17: On February 12, 2019, SNM member CHRISTOPHER CHAVEZ, aka: "CRITTER," was assaulted by SNM members DANIEL SANCHEZ, aka: "DAN DAN," ARTURO GARCIA, aka: "SHOTGUN," and CARLOS HERRERA, aka:

“LAZY,” at the Otero County Detention Center in Chaparral, New Mexico. I believe the assault was the result of CHRISTOPHER CHAVEZ having submitted a letter to U.S. District Court Judge James O. Browning stating he wanted to renounce the SNM and would sit down and debrief with the FBI. The letter was uploaded by the court into the online court file and visible to all of the other SNM racketeering defendants, via their attorneys.

72. Example 18: On July 22, 2019, at about 11:30 p.m., former SNM leader LEROY LUCERO, aka: “SMURF,” was shot and killed in the driveway of his residence in Las Vegas, New Mexico. LEROY LUCERO had testified in pretrial motions hearings and as a government witness during one of the government’s lengthy RICO trials. I was present, as the case agent, during the trial and believe LEROY LUCERO’s testimony was a significant factor in the conviction of several SNM members. I have provided additional details about the investigation of LEROY LUCERO’s homicide in the Probable Cause portion of this affidavit.

73. In August 2019, SNM member MARVIN MCALLISTER, aka: “LOONEY,” threatened a former SNM member, who testified for the government, and told the former member he (MARVIN MCALLISTER) obtained information “on all the cooperators” from SNM member ARTURO GARCIA, aka: “SHOTGUN.” MARVIN MCALLISTER said, “you guys will have a welcoming party when you get there (BOP). Trust me, you guys got it coming.” MARVIN MCALLISTER said he had reviewed ARTURO GARCIA’s tablet device, which contained all of the discovery material in the RICO cases. MARVIN MCALLISTER told the witness the SNM had written the names of all the cooperators and sent the lists to SNM members in the

state and federal prisons. MARVIN MCALLISTER also said the SNM had copies of newspaper clippings, which publically identified cooperators utilized during the various RICO prosecutions.

### **VIII. SNM MEMBERS MAINTAIN A STEADY SUPPLY OF WEAPONS**

74. I am aware members of the SNM use, possess, and conceal firearms and weapons. I have learned SNM members seek to be armed with weapons at all times, to include while incarcerated. Firearms are the preferred weapon while on the street. Bladed or blunt weapons, such as knives, shanks, razor blades and metal fittings are the weapons often possessed and used in prison or jail settings. I am aware NMCD officials and Deputy U.S. Marshals recovered shanks from SNM members, to include within the U.S. District Courthouse, during the earlier trial phase of this investigation.

75. On June 5, 2019, NMCD officers discovered SNM member DANIEL SANCHEZ, aka: "DAN DAN," to have two metal shanks in his rectum. DANIEL SANCHEZ was placed in a "dry cell" (no toilet) until the shanks passed from his bowels and were recovered by officers. Prior to his arrival at the NMCD in June 2019, DANIEL SANCHEZ had been in USMS custody since December 2015, when he was charged with VICAR and RICO violations. DANIEL SANCHEZ may have possessed those weapons on/in his person during his, and other defendants, eight week jury trial in Las Cruces, New Mexico.

76. To date, FBI agents have seized more than sixty firearms from SNM members and associates during Operation Atonement. Some of the firearms seized were purchased from SNM members during undercover buys. During one such incident, SNM member MATTHEW MARTINEZ, aka: "GOAT," sold an FBI informant four unused

ballistic vests. MATTHEW MARTINEZ was found to be in possession of two firearms when FBI agents subsequently executed a search warrant on his residence.

77. Over the course of the government's investigation, several additional SNM members were charged with being a felon in possession of a firearm or using a firearm in a crime of violence or drug trafficking offense.

78. While investigating the SNM, I became aware that on at least three occasions, different SNM members solicited other members for firearms. In each of those instances, the SNM members seeking the firearms were multi-time convicted felons and articulated a need to obtain a firearm to retaliate against someone or to "hit" an informant. FBI agents were able to utilize undercover FBI agents or CHS to provide the firearms during reverse-undercover operations.<sup>8</sup>

79. In summation, I believe firearms and weapons are critical "tools of the trade" for the SNM and members of DTOs. I believe SNM members possess weapons to commit murders; assaults; robberies; to avoid arrest; escape from custody; intimidate rivals, victims, and witnesses; to impose discipline within the gang; protect drug supplies; and for other criminal activity.

#### **IX. THE CONFIDENTIAL HUMAN SOURCES**

80. During the course of this investigation, FBI case agents utilized several CHS and undercover agents to infiltrate and dismantle the SNM. Agents encouraged the various CHS to maintain contact with SNM members and associates who were engaged in ongoing criminal activity. Sixteen CHS were utilized to collect

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<sup>8</sup> During all three instances, your affiant obtained anticipatory search warrants prior to the sale of the firearm(s) to the intended subjects. Once the firearm(s) were delivered to the target SNM member, an FBI SWAT team surrounded the location and arrested the purchaser of the firearm. FBI agents never "lost" a firearm, and each time a reverse-undercover operation was employed; the offender was successfully arrested for a violation of 18 U.S.C § 922(g)(1).

information in the instant investigation. By doing so, the CHS have exposed themselves to a violent death by the SNM, should their identities become known. I have sought to provide the Court with some of the underlying circumstances and background information I relied upon in determining the information from the various CHS was reliable.

81. In the paragraphs that follow, I have provided an overview of each CHS, to include:

- a) their basis of knowledge concerning the criminal conduct;
- b) motivation to assist the FBI;
- c) criminal history;
- d) any compensation received from the government; and
- e) a statement concerning their reliability.

82. I tried to provide sufficient information to the Court, while balancing the anonymity and safety of the CHS.

83. CHS-1 is an SNM gang associate and has been for more than fifteen years. At one time, CHS-1 distributed heroin for the SNM and later utilized SNM members for protection when CHS-1 became a multi-pound heroin dealer. I recruited CHS-1 as a source of information a few years ago because CHS-1 was closely affiliated with several SNM members. CHS-1 aided me in the collection of evidence against members of the SNM and other criminal enterprises. Information provided by CHS-1 led to the issuance of at least ten federal search warrants, the arrest of multiple suspects, and the recovery of firearms, ammunition, U.S. currency and large quantities of controlled substances. CHS-1 is motivated to assist the FBI to help reduce violent crime and drugs in the community. CHS-1 has prior felony convictions

for heroin trafficking, burglary, receiving a stolen vehicle and larceny. CHS-1 does not have any pending charges. CHS-1 has received approximately \$7,000 in financial assistance from the FBI. I consider the information CHS-1 provided to be reliable because much of it was corroborated through law enforcement investigation, controlled buys, and physical and electronic surveillance. To my knowledge, CHS-1's information has not been found to be false or misleading.

84. CHS-2 is a veteran member of the California Sureños gang with connections to the Mexican Mafia. CHS-2 has been incarcerated with many SNM members and has served as a liaison between the SNM and California Sureños gangs. I recruited CHS-2 as a source of information in 2014 because I was investigating criminal activities perpetrated by the California Sureños and Mexican Mafia in New Mexico. CHS-2 aided me in the collection of evidence against members of the Sureños and SNM gangs. CHS-2 has assisted the FBI in New Mexico and California with gang investigations, and spent several months utilizing a consensually monitored cellular telephone to speak with targets of FBI investigations. CHS-2 has also worn covert recording devices during meetings with gang members and organized crime figures. Information provided by CHS-2 has led to the issuance of at least thirteen federal search warrants, ten state search warrants, the arrest of multiple suspects, and the recovery of controlled substances, firearms, ammunition and U.S. currency. CHS-2 also provided the FBI with information about serial armed robbery crews and persons believed to be transporting firearms to criminal elements in Mexico. CHS-2 is motivated to assist the FBI to help reduce violent crime and drugs in the community. CHS-2 has prior felony convictions for armed robberies and aggravated battery. CHS-

2 does not have any pending charges and has received approximately \$4,000 in financial assistance from the FBI.<sup>9</sup> I consider the information CHS-2 provided to be reliable because much of it was corroborated through law enforcement investigation, wire interception, controlled buys, and physical and electronic surveillance. To my knowledge, CHS-2's information has not been found to be false or misleading.

85. CHS-3 is an SNM gang member and was made a member while incarcerated within the BOP. CHS-3 also represented the SNM while in the NMCD. CHS-3 began cooperating with the FBI a couple years ago, but had not been in communication with agents for several months. CHS-3 recently contacted case agents after CHS-3 learned fellow SNM members were plotting to kill government witnesses. CHS-3 does not have any pending charges and has received approximately \$6,000 in financial assistance from the FBI.<sup>10</sup> I believe CHS-3 is motivated to help the FBI to prevent violent crime, although at great personal risk by betraying the SNM. CHS-3 has prior felony convictions for burglary, aggravated assault with a deadly weapon, trafficking a controlled substance, aggravated fleeing a law enforcement officer, possession with intent to distribute a controlled substance and being a felon in possession of a firearm. I believe CHS-3's information to be reliable, as CHS-3's information has not been found to be false or misleading.

86. CHS-4 is an SNM gang member and was made a member while incarcerated within the BOP. CHS-4 began cooperating with the FBI a couple years ago. During CHS-4's period of cooperation, CHS-4 participated in several consensually recorded

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<sup>9</sup> Financial assistance includes general payments, moving expenses, and fuel for the CHS's vehicle during operation support to the FBI.

<sup>10</sup> Financial assistance includes general payments, moving expenses, and fuel for the CHS's vehicle during operation support to the FBI.

conversations with SNM members and associates. CHS-4 also utilized a cellular telephone, equipped with wire interception equipment, to converse with other SNM members. CHS-4 provided background information about the membership, structure, and customs of the SNM. CHS-4 identified individuals believed to be SNM members and/or associates. CHS-4 positively identified many subjects of the investigation from photographs, including several of the Target Subjects listed in this affidavit and participated in controlled drug buys. CHS-4 has been convicted of aggravated assault. I consider the information CHS-4 provided to be reliable because much of it was corroborated through independent source information, information obtained from public databases, law enforcement investigations, controlled buys, and physical and electronic surveillance. To my knowledge, CHS-4's information has not been found to be false or misleading.

87. CHS-5 is an SNM gang member and was made a member while incarcerated within the BOP. CHS-5 recently began providing information to the FBI, although I had spoken with CHS-5 a number of times over the past few years. During my previous conversations with CHS-5, CHS-5 was polite and respectful, but declined to assist the FBI. CHS-5 recently began providing information to the FBI after CHS-5 spoke with other SNM members and learned several government witnesses were being targeted for execution. CHS-5 has never worked with law enforcement and does not have any pending criminal matters. Although CHS-5 is a member of the SNM, I tend to view CHS-5 as a "citizen informant," as CHS-5 only came forward to prevent violent crime. Moreover, the information CHS-5 provided to the FBI could be viewed as a statement against interest, as CHS-5 attended SNM meetings discussing the gang's

reorganization. I believe such meetings constitute an overt act in furtherance of RICO conspiracy. CHS has never cooperated with law enforcement or corrections officers, has never received any form of compensation, and appears to be motivated solely by civic responsibility. CHS-5 has prior felony convictions for burglary, aggravated battery, aggravated burglary, possession of a controlled substance and being a felon in possession of a firearm. I believe CHS-5's information to be reliable, as CHS-5 is taking an enormous personal risk by betraying the SNM and talking to the FBI. To my knowledge, CHS-5's information has not been found to be false or misleading.

88. CHS-6 is an SNM gang member and was made a member while in the NMCD. CHS-6 also represented the gang in the BOP. CHS-6 recently began debriefing with the FBI and is providing assistance with a few SNM-related cold-case homicides. CHS-6 is also providing information on a transnational DTO. CHS-6 is a long-standing member of the SNM and admitted to previously assisting members of a DTO to smuggle methamphetamine into the U.S. I believe such admissions could be statements against interest. CHS-6 has prior felony convictions for aggravated battery on a police officer, assault on jail staff, being a felon in possession of a firearm and possession of an unregistered firearm. I believe CHS-6's information to be reliable, as CHS-6 is taking significant personal risk by divulging information about the SNM. To my knowledge, CHS-6's information has not been found to be false or misleading.
89. CHS-7 is an SNM gang member and was made a member while incarcerated within the NMCD. CHS-7 began cooperating with the FBI a few years ago. CHS-7 provided background information about the membership, structure, and customs of the SNM, as well as identified individuals believed to be members or associates of the SNM.

CHS-7 conducted controlled drug buys and introduced an undercover agent to targets of the investigation. Information provided by CHS-7 led to the issuance of approximately sixteen federal search warrants, the arrest of several suspects, and the recovery of controlled substances, firearms and ammunition. CHS-7 has felony convictions for armed robbery, aggravated battery, burglary, trafficking a controlled substance and possession of a controlled substance. CHS-7 has received approximately \$8,000 in financial assistance<sup>11</sup> from the FBI. I found information from CHS-7 to be reliable because much of it was corroborated by independent source information, other law enforcement investigations, controlled drug buys, and physical and electronic surveillance. To my knowledge, CHS-7's information has not been found to be false or misleading.

90. CHS-8 is an SNM gang associate and has been for more than twenty-five years. CHS-8 has helped the SNM distribute drugs on the street and in prison on more than fifty occasions. CHS-8 has also helped the SNM hold meetings and communicate secret messages. CHS-8 has provided me with information over the past few years that led to the issuance of at least four search warrants. CHS-8 is very familiar with the members and inner-workings of the SNM. CHS-8 identified individuals believed to be members or associates of the SNM, and positively identified several subjects of the investigation from photographs. CHS-8 is assisting the FBI to reduce current and future violent crimes being perpetrated by members and associates of the SNM. CHS-8 does not have any felony convictions and I consider CHS-8 to be a citizen informant. I found the information from CHS-8 to be reliable because much of it was

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<sup>11</sup> Financial assistance includes general payments, moving expenses, and fuel for the CHS's vehicle during operation support to the FBI.

corroborated by independent source information, other law enforcement investigations and physical surveillance. To my knowledge, CHS-8's information has not been found to be false or misleading.

91. CHS-9 is an SNM gang member and was made a member while in the NMCD. CHS-9 began cooperating with the FBI a couple years ago. CHS-9 provided background information about the membership, structure, and customs of the SNM. CHS-9 identified individuals believed to be members or associates of the SNM, and positively identified many subjects of the investigation from photographs, including several of the Target Subjects in the current investigation. CHS-9 received a positive recommendation from the government on a recent federal charge, which I believe may have reduced CHS-9's potential sentence. CHS-9 has felony convictions for assault, possession of a controlled substance, burglary and conspiracy. I found the information from CHS-9 to be reliable because much of it was corroborated by independent source information, other law enforcement investigations and physical surveillance. To my knowledge, CHS-9's information has not been found to be false or misleading.

92. CHS-10 is an SNM gang associate and has been for more than twenty years. CHS-10 has helped the SNM hold meetings, communicate secret messages, conceal firearms, smuggle drugs into prisons and distribute drugs on the street. CHS-10 is very familiar with the members and inner-workings of the SNM. CHS-10 identified individuals believed to be members or associates of the SNM, and positively identified several subjects of the investigation from photographs. CHS-10 is assisting the FBI to reduce current and future violent crimes being perpetrated by members and associates of the

SNM. CHS-10 does not have any felony convictions. I found the information from CHS-10 to be reliable because much of it was corroborated by independent source information, other law enforcement investigations and physical surveillance. CHS-10 has received about \$2,000 in financial assistance from the FBI. To my knowledge, CHS-10's information has not been found to be false or misleading.

93. CHS-11 is aligned with the California Sureños gang and is an SNM associate. CHS-11 has facilitated the passing of messages, drugs, U.S. currency and contraband cell phones between California Sureños and SNM members. CHS-11 provided background information about the criminal relationship between the SNM and California Sureños gangs. CHS-11 identified individuals believed to be members or associates of the SNM and California Sureños, and positively identified many subjects of the investigation from photographs and social media profiles. CHS-11 provided information on discussions and communications between gang leaders and future criminal endeavors to be undertaken by the SNM and California Sureños. CHS-11 has not been paid for assisting the FBI, nor does CHS-11 have any pending criminal charges. I consider CHS-11 to be a citizen informant. CHS-11 has felony convictions for alien smuggling and distribution of a controlled substance. I found the information from CHS-11 to be reliable because much of it was corroborated by independent source information, other law enforcement investigations and physical surveillance. To my knowledge, CHS-11's information has not been found to be false or misleading.

94. CHS-12 is an SNM gang member and was made a member while in the BOP. CHS-12 began cooperating with the FBI a couple years ago. CHS-12 provided

background information about the membership, structure, and customs of the SNM. CHS-12 identified individuals believed to be members or associates of the SNM, and positively identified many subjects of the investigation from photographs, including several of the Target Subjects in the current investigation. CHS-12 assisted the government in hopes of receiving a positive recommendation on a pending federal case, which I believe CHS-12 may have received. CHS-12 has felony convictions for carjacking, possession of a firearm in furtherance of a violent crime and possession of a weapon by a prisoner. I found information from CHS-12 to be reliable because much of it was corroborated by independent source information, other law enforcement investigations and physical surveillance. To my knowledge, CHS-12's information has not been found to be false or misleading.

95. CHS-13 is an SNM associate and has been for more than eight years. CHS-13 has helped the SNM distribute drugs on the street and in prison on more than fifty occasions. CHS-13 also helped the SNM hold meetings, communicate secret messages, research the whereabouts of rival gang members and hide firearms. CHS-13 recently agreed to cooperate with the FBI to prevent violent crimes perpetrated by the SNM. CHS-13 is very familiar with the members and inner-workings of the SNM. CHS-13 identified individuals believed to be members or associates of the SNM, and positively identified several subjects of the investigation from photographs. I tend to view CHS-13 as a citizen informant, as CHS-13 only came forward to prevent violent crime. Moreover, the information CHS-13 provided to the FBI could be a statement against interest, as CHS-13 recently assisted SNM members distribute controlled substances. CHS-13 has a prior conviction for possession of a controlled substance. I

found the information from CHS-13 to be reliable because much of it was corroborated by independent source information, other law enforcement investigations and physical surveillance. To my knowledge, CHS-13's information has not been found to be false or misleading.

96. **CHS-14** is a member of a street gang that distributes controlled substances, commits violent crimes and supports the SNM, among other criminal acts. CHS-14 is familiar with the inner-workings of street gangs that support the SNM. CHS-14 provided background information about the membership, structure, and customs of the SNM and some of the street gangs that support the SNM. CHS-14 identified individuals believed to be members or associates of the SNM and an affiliated DTO. I view CHS-14 as a citizen informant, as CHS-14 only came forward to prevent current and future violent crime. Moreover, the information CHS-14 provided to the FBI could be a statement against interest, as CHS-14 admitted to participating in past criminal activities that could expose CHS-14 to state or federal prosecution. CHS-14 has prior felony convictions for aggravated assault upon a peace officer with a deadly weapon, battery, burglary and possession of a controlled substance. I found the information from CHS-14 to be reliable because much of it was corroborated by independent source information, other law enforcement investigations and physical surveillance. To my knowledge, CHS-14's information has not been found to be false or misleading.

97. **CHS-15** is an SNM associate and former drug trafficker. CHS-15 was a member of a DTO that supported, and continues to support, the SNM. CHS-15 is familiar with the inner-workings of drug trafficking and provided background information on a specific

DTO that is associated with the SNM. CHS-15 identified individuals believed to be members of the DTO, and SNM members associated with the DTO. In terms of CHS motivation, I recruited CHS-15 after I observed CHS-15 participate in a suspected drug transaction. In relation to that incident, VCTF agents and uniformed NMSP officers contacted CHS-15 and conducted a search of CHS-15's person. CHS-15 did not have any contraband on his/her person; however, CHS-15 admitted to having contributed to a drug transaction. CHS-15 agreed to assist the FBI, as CHS-15 wanted to help law enforcement prevent current and future violent crime. I believe the information CHS-15 provided to the FBI could be a statement against interest, as CHS-15 admitted to past criminal activities (drug dealing) that could expose CHS-15 to state or federal prosecution. CHS-15 has prior felony convictions for trafficking a controlled substance, possession of a controlled substance, receiving/transferring a stolen vehicle and tampering with evidence. I found the information from CHS-15 to be reliable because much of it was corroborated by independent source information, other law enforcement investigations and physical surveillance. To my knowledge, CHS-15's information has not been found to be false or misleading.

98. CHS-16 is a member of a DTO that supported, and continues to support, the SNM. CHS-16 provided information on the DTO and the SNM, to include background information on the DTO and its association to the SNM. CHS-16 identified individuals believed to be members of the SNM, as well as members and associates of the DTO. CHS-16 provided details pertaining to the inner workings of the DTO. In terms of CHS motivation, CHS-16 has been charged with state and federal violations and I believe CHS-16 hopes to receive a positive recommendation from the FBI and

U.S. Attorney's Office in those matters. I believe the information CHS-16 provided to the FBI may be a statement against interest, as CHS-16 admitted to criminal activities that could expose CHS-16 to state or federal prosecution. CHS-16 has prior felony convictions for armed robbery, assault on a peace officer, possession of a firearm by a felon, voluntary manslaughter and aggravated fleeing a law enforcement officer. I found the information from CHS-16 to be reliable because much of it was corroborated by independent source information, other law enforcement investigations and physical surveillance.

99. As described in detail below, the facts set forth in this affidavit provide probable cause to believe that the Target Subjects are involved in a conspiracy to intimidate and retaliate against victims, witnesses, and informants, and also in racketeering activities, to include a conspiracy to distribute controlled substances.

**X. STATEMENT OF PROBABLE CAUSE**

100. This affidavit is being submitted for twenty search warrants to aid the FBI in stopping several imminent death threats made by members and associates of the SNM. The threats have been directed at witnesses, as well as agents and attorneys for the government. Much of the threat information was corroborated by SNM members and well-placed associates of the gang, to include CHS-1 thru CHS-16 (who were introduced in paragraphs 83-98).

101. Several of the Target Subjects, to include VICTOR VILLALOBOS, aka: "EVIL;" GREGORY MONTOYA, aka: "JINX;" RAUL GUZMAN, aka: "SHOTGUN;" DOMINIC GUTIERREZ, aka: "GAGE;" FRANKIE GALLEGOS, aka: "CUNTE," or "FRANKIE G;" SAMUEL SILVA, aka: "RABBS;" SALVADOR OROZCO

HERNANDEZ JR., aka: "TORO;" MICHELLE YVETTE MORALES, aka: "YVETTE BACA;" MARVIN MCALLISTER, aka: "LOONEY;" FRANCES MCALLISTER, aka: "FRANCES BACA;" JONATHAN GOMEZ, aka "BABY G;" RUFINO J. MARTINEZ, aka: "MONO;" ROBERT A. TRUJILLO, aka: "SLEEPY;" FRANK CARABAJAL, aka: "STRANGER;" FRANKIE HERRERA, aka: "JOKER;" LEROY E. ROMERO, aka: "SWAMP;" DAVID M. VALDEZ, aka: "DAVESTER;" LEOPOLDO SALAZAR, aka: "SUAVE;" JOHNNY RAY GALLEGOS; DAVID CHAVEZ, aka: "WACKY;" LARRY R. MARTINEZ, aka: "PSYCHO;" JOHN F. SALAZAR, aka: "STONER;" GEORGE A. SENA, aka: "G DOGG;" and others, are also suspected of conspiring to reorganize the SNM, in light of the federal racketeering charges and other offenses leveled at the SNM. Based on information provided by various CHS, the SNM are restructuring the organization and seeking to make "examples" of former members who cooperated with the government in the racketeering prosecution of the gang.

102. Target Subjects VICTOR VILLALOBOS, aka: "EVIL;" DOMINIC GUTIERREZ, aka: "GAGE;" FRANCES M. MCALLISTER, aka: "FRANCES BACA;" MARVIN MCALLISTER, aka: "LOONEY;" MICHELLE YVETTE MORALES, aka: "YVETTE BACA;" RUFINO J. MARTINEZ, aka: "MONO;" ROBERT A. TRUJILLO, aka: "SLEEPY;" FRANK CARABAJAL, aka: "STRANGER;" FRANKIE HERRERA, aka: "JOKER;" JOSE V. LOVATO, aka: "JOSER;" LEROY E. ROMERO, aka: "SWAMP;" DAVID M. VALDEZ, aka: "DAVESTER;" LEOPOLDO SALAZAR, aka: "SUAVE;" JOHNNY RAY GALLEGOS; DAVID CHAVEZ, aka: "WACKY;" RUDY D. CHAVEZ, aka:

“SNOOPS;” ROBERT PADILLA; GARY COCA; MARCOS RUIZ; ARTURO RUIZ; LUIS SANCHEZ, aka: “PAYASO;” REBECCA DURAN, aka: “REBECCA GALLEGOS;” GILBERT ARAGON, aka: “GEBO;” LARRY R. MARTINEZ, aka: “PSYCHO;” JOHN F. SALAZAR, aka: “STONER;” GEORGE A. SENA, aka: “G DOGG;” AMANDA SILVA, TIMOTHY ORTEGA and others, are suspected of participating in on-going conspiracy to distribute controlled substances in furtherance of the SNM’s objectives and purposes. The overall conspiracy involves six distinct drug distribution schemes that are dependent on the strength, influence and reputation of the SNM. I have described the schemes in the paragraphs that follow.

103. The first drug trafficking scheme involves SNM members and associates procuring methamphetamine and fentanyl from an Arizona-based DTO and distributing the drugs in southeast Albuquerque.
104. The second drug trafficking scheme employs mostly SNM members, who are suspected of smuggling heroin via female body-packers, from Ciudad Juarez, Mexico, to Albuquerque and Española, New Mexico.
105. The third drug trafficking scheme pertains to an SNM member transporting methamphetamine from Phoenix, Arizona to SNM members in Albuquerque, New Mexico.
106. The fourth drug trafficking scheme involves several recently released federal SNM members partnering with members of the California Sureños gang to import methamphetamine and fentanyl from California to New Mexico. The two allied gangs are also working on a plan to introduce a “tax” on certain street gangs and dealers in New Mexico.

107. The fifth drug trafficking scheme relates to a band of SNM members in Española and Santa Fe who distribute heroin and Suboxone on the street and within PNM and SFCADC.

108. The sixth drug trafficking scheme combined members and associates of the SNM, with members of a Las Vegas, New Mexico, DTO run by ROBERT PADILLA. SNM members and associates have been used by ROBERT PADILLA to sell drugs, collect drug debts, intimidate rival drug dealers, assault, attempt to murder and murder persons who had run afoul of the DTO.

109. In the paragraphs that follow, I will identify the Target Subjects in greater detail, note whether they are state or federal SNM members or associates, or members of street gangs or a DTO that support the SNM. I have also included the arrest history of the Target Subjects, and where possible, noted the felony offenses for which they were convicted.<sup>12</sup> I believe thirty-two of the thirty-four Target Subjects of this investigation to be habitual offenders with impressive criminal histories, and extensive experience in the criminal justice system.

#### A. The Target Subjects

##### **VICTOR VILLALOBOS, aka: “EVIL”**

110. VICTOR VILLALOBOS, aka: “EVIL,” is a validated member of the SNM and currently serving a term of supervised release within the District of New Mexico for being a felon in possession of several firearms. VICTOR VILLALOBOS has at least

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<sup>12</sup> Criminal history records were obtained from the FBI’s National Criminal Information Center (NCIC). I believe the records accurately reflect the subject’s arrest record; however, conviction data is often not listed, or listed as “disposition unknown,” because not all arresting agencies enter post-arrest data. In order to compile conviction data, I also consulted NM Courts online and the U.S. District Court Public Access to Court Electronic Records (PACER). Where possible, I have listed the subject’s arrests and convictions.

thirteen prior arrests in New Mexico and has prior felony convictions for assault with a deadly weapon, auto theft, negligent use of a firearm, armed robbery, tampering with evidence, escape, forgery and being a felon in possession of firearms. I believe VICTOR VILLALOBOS is a “career offender” within the meaning set forth in the U.S. Sentencing Guidelines (USSG) (§4B1.1.)<sup>13</sup> and may be subject to prosecution under the Armed Career Criminal Act (ACCA)<sup>14</sup> if he is determined to be in possession of a firearm.

**GREGORY MONTOYA, aka: “JINX”**

111. GREGORY MONTOYA, aka: “JINX,” is a member of the SNM and discharged a federal term of supervised release in September 2018, in which the underlying conviction was for being a felon in possession of a firearm. GREGORY MONTOYA is currently being sought on the following arrest warrants:

- a) Sandoval County felony warrant #D1329DM200900923, violation of a court order, issued August 23, 2017, \$6,000 bond with statewide extradition;
- b) Bernalillo County misdemeanor warrant #T4CR2019002746, animal cruelty violation, issued May 30, 2019, \$500 bond with statewide extradition.

112. GREGORY MONTOYA has at least twenty-one prior arrests in New Mexico, with felony convictions for child abuse, conspiracy to traffic a controlled substance,

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<sup>13</sup> A defendant is a Career Offender if (1) he or she has been convicted in federal court of a felony crime of violence or drug-trafficking offense committed as an adult, and (2) has at least two prior felony convictions for either a crime of violence or drug trafficking offense or both that receive criminal history points under the guidelines. A Career Offender’s guidelines sentence ordinarily is required to be at or near the statutory maximum for his or her federal conviction. Source: <https://www.ussc.gov/education/glossary>

<sup>14</sup> A statutory sentencing enhancement (See 18 U.S.C. § 924(e) and USSG §4B1.4) for a defendant convicted under 18 U.S.C. § 922(g) (prohibited person in possession of a firearm) who has at least three prior convictions for a “violent felony” or “serious drug offense” or both committed on occasions different from one another. A defendant sentenced as an Armed Career Criminal faces a mandatory minimum prison term of 180 months. Source: <https://www.ussc.gov/education/glossary>

burglary, credit card fraud, aggravated burglary with a firearm, commercial burglary and being a felon in possession of a firearm. I believe GREGORY MONTOYA is a career offender within the meaning set forth in the USSG and may be subject to prosecution under the ACCA if he is determined to be in possession of a firearm.

**RAUL GUZMAN, aka: "SHOTGUN"**

113. RAUL GUZMAN, aka: "SHOTGUN," is a member of the SNM and discharged supervision in September 2017. RAUL GUZMAN had been subject to a term of supervised release as a result of a 2002 conviction out of the Western District of Texas, for conspiracy to import marijuana. RAUL GUZMAN is currently being sought on the following arrest warrants:

- a) Bernalillo County Warrant No. T4CR2018008109, failure to appear misdemeanor offense, animal license required, issued 2019;
- b) Bernalillo County Warrant No. T4CR2019002477, failure to appear misdemeanor offense, animal license required, issued 2019;
- c) Bernalillo County Warrant No. T4CR2018008109, failure to appear misdemeanor offense, animal license required, issued 2019;

114. RAUL GUZMAN has at least seventeen prior arrests in New Mexico and Texas, and has been convicted of shooting at or from a motor vehicle, aggravated assault, aggravated battery with a deadly weapon resulting in great bodily harm, false imprisonment and conspiracy to import marijuana into the United States. I believe RAUL GUZMAN is a career offender within the meaning set forth in the USSG and may be subject to prosecution under the ACCA if he is determined to be in possession of a firearm.

**DOMINIC GUTIERREZ, aka: “GAGE”**

115. DOMINIC GUTIERREZ, aka: “GAGE,” is a validated member of the SNM and is currently wanted by the USMS for escape from federal supervision.

116. DOMINIC GUTIERREZ has at least twenty-seven prior arrests in New Mexico and has been convicted of robbery, aggravated fleeing a law enforcement officer (x2), burglary (x2), forgery, auto theft, conspiracy to commit aggravated battery with a deadly weapon, criminal sexual contact and two prior federal cases for being a felon in possession of a firearm (11CR1820-MCA and 13CR3294-JB).

117. I believe DOMINIC GUTIERREZ is a career offender within the meaning set forth in the USSG and may be subject to prosecution under the ACCA if he is determined to be in possession of a firearm.

**FRANKIE GALLEGOS, aka: “CUNTE”**

118. FRANKIE GALLEGOS, aka “CUNTE,” is a validated member of the SNM and is believed to be one of the higher-ranking members of the gang within the BOP. FRANKIE GALLEGOS is currently incarcerated at USP Beaumont, in Texas, for a 2007 conviction for conspiracy to distribute methamphetamine. Prior to becoming an SNM member, FRANKIE GALLEGOS was a member of the Eastside Locos (ESL) street gang.<sup>15</sup> FRANKIE GALLEGOS is the brother of JOE LAWRENCE

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<sup>15</sup> The ESL gang was the target of a federal Continuing Criminal Enterprise prosecution in 2007 for methamphetamine trafficking and multiple homicides. I am aware several ESL street-gang members are also members of the SNM prison gang, to include brothers BEN GALLEGOS, aka: “BENJI,” FRANKIE GALLEGOS, aka: “CUNTE,” ANDREW GALLEGOS, aka: “SMILEY,” and JOE LAWRENCE GALLEGOS.

**Albuquerque Journal: Task Force Investigates Valencia Gang Members, Friday, May 20, 2005, By Mike Gallagher, Journal Investigative Reporter.** Authorities are investigating members of an alleged Valencia County drug gang for possible involvement in the shooting and strangulation deaths of seven people. [http://abqjournal.com/cgi-bin/print\\_it.pl?page=/news/state/352905nm05-20-05.htm](http://abqjournal.com/cgi-bin/print_it.pl?page=/news/state/352905nm05-20-05.htm)

GALLEGOS and ANDREW GALLEGOS, both of whom are also SNM and ESL members in Valencia County, New Mexico. FRANKIE GALLEGOS will not be searched pursuant to the requested warrant; rather BOP officials may search FRANKIE GALLEGOS and his property pursuant to BOP policy and procedure.

**SAMUEL SILVA, aka “RABBS”**

119. SAMUEL SILVA, aka “RABBS,” is a validated member of the SNM and is believed to be one of the higher-ranking members of the SNM within the BOP. SAMUEL SILVA is currently incarcerated at USP Lee, in Virginia, as a result of carjacking and firearms convictions within the District of New Mexico.

120. In 2014, SAMUEL SILVA was charged with two counts of carjacking, using a firearm in a crime of violence, and being a felon in possession of a firearm. SAMUEL SILVA remained in federal custody, pending two jury trials.<sup>16</sup> While incarcerated at the SFCADC, SAMUEL SILVA communicated with SNM member FRANKIE GALLEGOS, aka: “CUNTE,” who was incarcerated at USP Beaumont, through a known intermediary. SAMUEL SILVA and FRANKIE GALLEGOS discussed SAMUEL SILVA’s pending federal case and the racketeering cases against the SNM. SAMUEL SILVA and FRANKIE GALLEGOS are both from the ESL street gang and are longtime associates. SAMUEL SILVA indicated that he was looking for some help to have the victims in his case not testify. An FBI CHS was subsequently introduced to SAMUEL SILVA, after FRANKIE GALLEGOS verified the CHS was “a good soldier” and a member of the SNM’s federal roster. SAMUEL SILVA asked the CHS to locate and murder the two victims in his pending carjacking

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<sup>16</sup> On July 11, 2016, Silva was found guilty of being a felon in possession of a firearm. On August 16, 2016, Silva was found guilty of carjacking and using a firearm during a crime of violence.

case. SAMUEL SILVA also mentioned that he wanted SNM member FRED JOE QUINTANA, aka: “FLACO,” killed because SAMUEL SILVA thought FRED QUINTANA was a rat. SAMUEL SILVA was upset because one of the carjacking victims was a relative of FRED QUINTANA’s and FRED QUINTANA would not persuade the person to drop the charges against SAMUEL SILVA. In fact, when SAMUEL SILVA asked FRED QUINTANA to convince his relative not to testify, FRED QUINTANA became upset and told SAMUEL SILVA that he would kill him (SAMUEL SILVA) as soon as he had the opportunity. The two men were in custody together, within the SNM pod, at the Bernalillo County Metropolitan Detention Center.

121. SAMUEL SILVA told the FBI CHS he had previously asked SNM member VINCENT GARDUNO, aka “FATAL,” to hit the victims and VINCENT GARDUNO agreed; however, the FBI arrested VINCENT GARDUNO on RICO charges before he could do the job (GARDUNO was arrested during Phase II of Operation Atonement).

122. SAMUEL SILVA provided the CHS with the addresses and photos of the two carjacking victims. SAMUEL SILVA told the CHS to get the SNM members on the street organized and to hit the two victims before SAMUEL SILVA’s trial started. SAMUEL SILVA also wanted FRED QUINTANA hit, if the CHS or one of the other carnals could get to him. SAMUEL SILVA warned the CHS to be careful with FRED QUINTANA, because QUINTANA was always armed and would be quick to kill. SAMUEL SILVA provided details on FRED QUINTANA’s residence and wife. I am aware the threat eventually made it to FRED QUINTANA’s wife, who obtained a

firearm and a ballistic vest, which she put over her young child when they traveled around Albuquerque in their vehicle.

123. After SAMUEL SILVA was sentenced to federal prison, he was eventually incarcerated at USP Lee.

124. On September 14, 2018, SAMUEL SILVA killed his cellmate, ABRAHAM ALDANA, aka: “LISTO,” a validated California Sureños gang member from Los Angeles, California. I am aware ABRAHAM ALDANA was serving time on a gang RICO and drug case from 2013 that had been investigated by the FBI. I do not believe ALDANA ever cooperated; however, I understand a member of his inner circle may have cooperated and ALDANA failed to hit the cooperator. As a result of the RICO investigation, Mexican Mafia members RAFAEL MUÑOZ-GONZALEZ, aka: “CISCO,” and CESAR MUÑOZ-GONZALEZ, aka: “BLANCO,” were convicted of federal drug and racketeering charges.

125. I believe SAMUEL SILVA’s murder of ABRAHAM ALDANA had been sanctioned by the Mexican Mafia and resulted in a favorable light for SNM. Numerous CHS have reported SAMUEL SILVA currently “holds the llaves (keys) in the feds for the S,” which means SAMUEL SILVA is the SNM’s shot-caller or leader within the BOP. SAMUEL SILVA will not be searched pursuant to the requested warrant, but may be subject to search by BOP officials.

**SALVADOR OROZCO HERNANDEZ JR., aka “TORO,” aka “TIO”**

126. SALVADOR OROZCO HERNANDEZ JR., aka “TORO,” aka: “TIO,” is a validated member of the Mexican Mafia prison gang from San Bernardino County, California. SALVADOR OROZCO HERNANDEZ JR. is currently incarcerated at

the USP Canaan, in Pennsylvania. In August 2012, SALVADOR OROZCO HERNANDEZ JR. was sentenced to a 264-month term in the BOP after being convicted of RICO conspiracy and conspiracy to distribute methamphetamine. Prior to the federal charges, SALVADOR OROZCO HERNANDEZ JR. had been serving time in a California state prison for conspiracy to commit murder, which involved the Mexican Mafia's infiltration of the San Manuel Indian tribe in California. According to DEA reporting, SALVADOR OROZCO HERNANDEZ JR. and his gang associates infiltrated the San Manuel Indian Bingo and Casino, and conspired with several tribal members to manufacture and distribute methamphetamine. SALVADOR OROZCO HERNANDEZ JR. will not be searched pursuant to the requested warrant, but may be subject to search by BOP officials.

**MICHELLE YVETTE MORALES, aka: "YVETTE BACA"**

127. MICHELLE YVETTE MORALES, aka: "YVETTE BACA," is an associate of multiple SNM members in state and federal prison, as well as SALVADOR OROZCO HERNANDEZ JR., a high-powered member of the Mexican Mafia. I do not believe MICHELLE YVETTE MORALES has any felony convictions.

**FRANCES M. MCALLISTER, aka: "FRANCES BACA"**

128. FRANCES M. MCALLISTER, aka: "FRANCES BACA," is the wife of SNM member MARVIN MCALLISTER, aka: "LOONEY," who is currently incarcerated at the SFCADC for escape and violating the terms of his federal supervised release.

129. FRANCES M. MCALLISTER has four prior arrests in New Mexico and has been convicted of aggravated assault with a deadly weapon and arson.

130. I am aware FRANCES M. MCALLISTER is currently residing with DEREK JOSEPH WALSH, who has prior arrests for trafficking a controlled substance and is currently on felony probation for possession of a controlled substance.

**MARVIN MCALLISTER, aka: “LOONEY”**

131. MARVIN MCALLISTER, aka: “LOONEY;” is a validated member of the SNM and currently incarcerated at the SFCADC for escape and violating the terms of his federal supervised release, Case No. 17CR03544-JB.

132. MARVIN MCALLISTER has prior felony convictions for child abuse, larceny, burglary, conspiracy, aggravated assault with a deadly weapon, aggravated assault of a household member, forgery, conspiracy to commit forgery, possession of a controlled substance and making a false statement to acquire a firearm.

133. MARVIN MCALLISTER will not be searched pursuant to the requested warrant, but may be subject to search by SFCADC staff.

**JONATHAN GOMEZ, aka: “BABY G”**

134. JONATHON GOMEZ, aka “BABY G,” is a member of the SNM and believed to be one of the highest-ranking members within the State of New Mexico. GOMEZ maintains a close and continuing relationship with SNM leader ANTHONY RAY BACA, aka: “PUP,” who was recently found guilty of VICAR murder and VICAR conspiracy to commit murder. JONATHAN GOMEZ is currently incarcerated at the PNM South facility and serving two thirty year sentences on two consecutive first degree murder convictions.

135. The government is seeking to charge JONATHAN GOMEZ with a violation of RICO Act conspiracy and I expect JONATHAN GOMEZ will be charged on or about

the time the requested search warrants are executed. JONATHAN GOMEZ will not be searched pursuant to the requested search warrant, but may be subject to search by NMCD officials.

**RUFINO J. MARTINEZ, aka: "MONO"**

136. RUFINO J. MARTINEZ, aka "MONO," is a validated member of the SNM and is currently incarcerated at the SFCADC on pending charges for being a felon in possession of a firearm and aggravated battery with a deadly weapon, which is being prosecuted by the First Judicial District Attorney's Office in Santa Fe.

137. By way of background, in March 2015, SNM leaders ANTHONY RAY BACA, aka: "PUP," ROBERT MARTINEZ, aka: BABY ROB," and ROY PAUL MARTINEZ, aka: "SHADOW," directed several SNM members on the street to murder the cabinet secretary of the NMCD. The SNM leaders also called for the murder of two additional NMCD administrators. In a letter addressed to an SNM member on the street, gang leaders identified RUFINO J. MARTINEZ, aka: "MONO," specifically and indicated he be utilized in the mission to kill the secretary of corrections. The letter was intercepted by the FBI, and the gang leaders were subsequently convicted of a VICAR murder conspiracy for their role in the plot.

138. On August 23, 2019, U.S. Magistrate Judge B. Paul Briones authorized a criminal complaint and arrest warrant charging RUFINO MARTINEZ with being a felon in possession of a firearm and ammunition, Case No. 19MJ2821. I anticipate RUFINO MARTINEZ will be transferred from SFCADC to the custody of the USMS on or about the time the requested search warrants are executed.

139. RUFINO MARTINEZ has at least twenty-nine prior arrests in New Mexico and has felony convictions for aggravated battery, second degree murder, battery upon a peace officer and robbery. I believe RUFINO MARTINEZ may be a career offender within the meaning set forth in the USSG and may be subject to prosecution under the ACCA. RUFINO MARTINEZ will not be searched pursuant to the requested search warrant, but may be subject to search by SFCADC officials.

**ROBERT A. TRUJILLO, aka: "SLEEPY"**

140. ROBERT A. TRUJILLO, aka: "SLEEPY," is a member of the SNM and currently incarcerated at the SFCADC on a state probation violation. ROBERT A. TRUJILLO is also pending charges in Santa Fe County for introducing contraband to a jail facility and possession with intent to distribute a controlled substance.

141. On September 4, 2019, U.S. Magistrate Judge Laura N. Fashing authorized a criminal complaint and arrest warrant charging ROBERT J. TRUJILLO with Possession with Intent to Distribute Controlled Substances and Introducing Contraband into a prison, Case No. 19MJ2999. I anticipate ROBERT J. TRUJILLO will be transferred from SFCADC to the custody of the USMS on or about the time the requested search warrants are executed. ROBERT J. TRUJILLO will not be searched pursuant to the requested search warrant, but may be subject to search by SFCADC officials.

**FRANK CARABAJAL, aka: "STRANGER"**

142. FRANK CARABAJAL, aka: "STRANGER," is a validated SNM member and currently on parole with the State of New Mexico for aggravated battery with a deadly weapon. FRANK CARABAJAL has at least twenty-four prior arrests in New

Mexico and has prior felony convictions for child abuse, possession of a controlled substance, possession of drug paraphernalia, aggravated battery with a deadly weapon, aggravated assault with a deadly weapon, aggravated battery against a household member and possession of a firearm by a felon. I believe FRANK CARABAJAL is a career offender within the meaning set forth in the USSG and may be subject to prosecution under the ACCA if he is determined to be in possession of a firearm.

**FRANKIE HERRERA, aka: “JOKER”**

143. FRANKIE HERRERA, aka: “JOKER,” is a validated member of the SNM and is currently on parole with the state of New Mexico for second degree murder. FRANKIE HERRERA has at least thirteen prior arrests in New Mexico and felony convictions for second degree murder, conspiracy to commit murder, robbery, tampering with evidence and burglary. I believe FRANKIE HERRERA may be a career offender within the meaning set forth in the USSG and may be subject to prosecution under the ACCA if he is determined to be in possession of a firearm.

**JOSE V. LOVATO, aka: “JOSER”**

144. JOSE V. LOVATO, aka: “JOSER,” is a validated SNM member and is on probation with the State of New Mexico for introducing contraband into a jail and trafficking a controlled substance. JOSE V. LOVATO was arrested on August 28, 2019, for failure to comply, failure to appear, and probation violations in Santa Fe County on an underlying case, in which he has been charged with aggravated assault with a deadly weapon, false imprisonment, possession of a firearm by a felon, battery on a household member, attempted battery on a household member and criminal damage to property in Santa Fe County.

145. JOSE V. LOVATO has at least twenty-four prior arrests in New Mexico and felony convictions for possession of a controlled substance, escape from community custody, burglary, tampering with evidence, false imprisonment, bringing contraband into a jail (2-counts) and trafficking controlled substances. JOSE V. LOVATO will not be searched pursuant to the requested search warrant, but may be subject to search by SFCADC officials.

**LEROY E. ROMERO, aka: “SWAMP”**

146. LEROY E. ROMERO, aka: “SWAMP,” is an SNM member and currently on parole with the State of New Mexico for armed robbery with a deadly weapon (3-counts).

147. LEROY ROMERO has at least twenty-two prior arrests in New Mexico and has felony convictions for armed robbery with a deadly weapon (x3), burglary, attempt to commit a felony, robbery, possession of drug paraphernalia, and possession of a controlled substance. I believe LEROY ROMERO is a career offender within the meaning set forth in the USSG and may be subject to prosecution under ACCA, if convicted of being a felon in possession of a firearm.

**DAVID M. VALDEZ, aka: “DAVESTER”**

148. DAVID M. VALDEZ. Aka: “DAVESTER,” is a validated SNM member and is currently on parole with the State of New Mexico for child abuse. DAVID M. VALDEZ has at least thirteen prior arrests in New Mexico with felony convictions for attempted robbery and child abuse.

**LEOPOLDO SALAZAR, aka: "SUAVE"**

149. LEOPOLDO SALAZAR, aka: "SUAVE," is a suspected SNM member and is currently on probation and parole with the State of New Mexico for receiving a stolen firearm, residential burglary, trafficking controlled substances, armed robbery, false imprisonment and aggravated burglary. LEOPOLDO SALAZAR has at least thirteen prior arrests in New Mexico with felony convictions for receiving stolen property when the property is a firearm, residential burglary, trafficking controlled substances and manufacturing, armed robbery, false imprisonment and aggravated burglary with a firearm.

150. I believe LEOPOLDO SALAZAR is a career offender within the meaning set forth in the USSG and may be subject to prosecution under ACCA, if found to be in possession of a firearm.

**JOHNNY RAY GALLEGOS**

151. JOHNNY RAY GALLEGOS is a member of the SNM and currently on pretrial release in Bernalillo County for possession of a controlled substance. JOHNNY RAY GALLEGOS is currently being sought on the following arrest warrants:

- a) Bernalillo County Warrant No. D202CR201901729, felony warrant for possession of a controlled substance, issued August 2019;
- b) Bernalillo County Warrant No. T4FR2019004432, felony warrant for possession of a controlled substance, issued August 2019;
- c) Bernalillo County Warrant No. T4TR2019014505, misdemeanor warrant for failure to register a vehicle, issued August 2019.

152. JOHNNY RAY GALLEGOS and has at least forty-two prior arrests in New Mexico. JOHNNY RAY GALLEGOS has prior felony convictions for trafficking a controlled substance, robbery (2-counts), burglary, possession of a controlled substance, conspiracy and felony shoplifting (x5). I believe JOHNNY RAY GALLEGOS is a career offender within the meaning set forth in the USSG and may be subject to prosecution under ACCA, if found to be in possession of a firearm.

**DAVID CHAVEZ, aka: "WACKY"**

153. DAVID CHAVEZ, aka: "WACKY," is a member of the SNM and currently on pretrial release in Bernalillo County for possession of a controlled substance. DAVID CHAVEZ recently violated the terms of his pretrial release and is currently wanted by Bernalillo County authorities, felony warrant number T4FR2019004638, issued September 3, 2019.

154. DAVID CHAVEZ has at least twenty-nine prior arrests in New Mexico and has prior felony convictions for first degree murder, shooting from or at a motor vehicle, conspiracy to commit aggravated assault, possession with intent to distribute cocaine base, possession of a firearm in furtherance of a drug trafficking crime and being a felon in possession of a firearm. I believe DAVID CHAVEZ is a career offender within the meaning set forth in the USSG and may be subject to prosecution under ACCA, if found to be in possession of a firearm.

**RUDY CHAVEZ, aka: "SNOOPS"**

155. RUDY D. CHAVEZ, aka: "SNOOPS," served time in the BOP, but was not made an SNM member until he entered the NMCD. In approximately 2010, RUDY CHAVEZ voluntarily appeared on the Gangland television documentary series, in an

episode titled “Hell House,” which featured the SNM gang. I have viewed the episode and observed RUDY CHAVEZ discuss his membership and experiences in the gang.

156. On August 29, 2019, RUDY CHAVEZ was arrested by NMCD STIU fugitive investigators at a Walgreens pharmacy in Albuquerque on several outstanding warrants, to include attempted murder, aggravated battery and probation violations related to domestic violence assault charges. RUDY CHAVEZ will not be searched pursuant to the requested search warrant, but may be searched by MDC officials.

**ROBERT PADILLA**

157. ROBERT PADILLA is the head of the PADILLA DTO, an organization that has been the target of on-going DEA investigations. ROBERT PADILLA became an FBI target in late July 2019, as a result of the murder of government witness LEROY LUCERO, aka: “SMURF.” Prior to July 2019, I had never heard of ROBERT PADILLA, nor was I aware he had been the subject of a federal drug trafficking investigation.<sup>17</sup> Based on my review of ROBERT PADILLA’s activities and associations, I believe he has been involved in the distribution of bulk-quantities of controlled substances for many years. I also believe ROBERT PADILLA has built a fearful reputation on the street through intimidation and his boastful association to violent enterprises such as the SNM and Bandidos Outlaw Motorcycle Gang.

158. ROBERT PADILLA has amassed fourteen arrests since 2000, many of which are for serious offenses, such as:

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<sup>17</sup> Several months ago, I spoke with a Supervisory AUSA and a DEA Task Force Officer about a member of the Bandidos Outlaw Motorcycle Gang (BOMG), possibly involved in a pending violent crime. At the time, I understood DEA agents to be intercepting a person (ROBERT PADILLA), who’s name may have been mentioned. It was related to me the target of the DEA wire (ROBERT PADILLA) had requested a member of the BOMG assault a person for ROBERT PADILLA. I assisted the DEA in identifying the BOMG member, through an informant. I played no other role in the investigation of ROBERT PADILLA, until the instant matter materialized.

- a) distribution of cocaine base (U.S. District Court Case No. 00-CR-00726-BB);
- b) assault and battery upon a peace officer, and resisting arrest (San Miguel County District Court Case No. M-48-VR-2001-00133);
- c) child abuse and 3-counts of aggravated assault (San Miguel County District Court Case No. D-412-CR-2005-00292);
- d) battery on a household member and resisting arrest (Sandoval County Magistrate Court Case No. M-45-VR-2006-00081);
- e) aggravated battery against a household member (San Miguel County Magistrate Court Case No. M-48-VR-2010-00003);
- f) unlawful taking of a motor vehicle, larceny over \$2,500 less than \$20,000, bribery of a witness, and 2-counts of tampering with evidence (San Miguel County Magistrate Court Case No. M-48-FR-2014-00021)
- g) 2-counts of aggravated assault with a deadly weapon, 2-counts of tampering with evidence, unlawful carrying of a firearm and battery (San Miguel County District Court Case No. D-412-CR-2014-00021)

159. Although ROBERT PADILLA has fourteen prior arrests, he has thus far avoided any felony convictions or significant jail time.

160. On August 8, 2019, DEA agents obtained an arrest warrant for ROBERT PADILLA for a violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) for distribution of cocaine.

161. I am aware the United States Attorney's Office (USAO) and DEA intend to charge ROBERT PADILLA and several members of his DTO with drug trafficking and/or money laundering violations within the next few days.

162. ROBERT PADILLA is a suspect in the July 22, 2019 shooting death of LEROY LUCERO, aka: "SMURF." The circumstances pertaining to that allegation have been detailed in this affidavit; see section **D. Murders and Attempted Murders in Aid of Racketeering in Las Vegas, New Mexico.**

**GARY COCA**

163. GARY COCA is a suspected member of the PADILLA DTO and believed to be a prospective member of the SNM. GARY COCA is currently in custody on multiple felony cases charged by the District Attorney's offices in San Miguel County and Bernalillo County.

164. GARY COCA is a suspect in the July 22, 2019, shooting death of government witness LEROY LUCERO, aka: "SMURF." The circumstances pertaining to that allegation have been detailed in this affidavit; see section **D. Murders and Attempted Murders in Aid of Racketeering in Las Vegas, New Mexico.**

165. On September 5, 2019, U.S. Magistrate Judge Laura Fashing authorized a criminal complaint and arrest warrant charging GARY COCA with violations of 18 U.S.C. § 1951 Hobbs Act armed robbery and 21 U.S.C. § 841(a)(1), (b)(1)(C) possession of cocaine with intent to distribute, Case No. 19MJ3023.

166. I expect GARY COCA will make his initial appearance in U.S. District Court within the next few days and be remanded to the custody of the USMS. I am aware GARY COCA has several prior escape and failure to appear violations, and well as pending felony cases in San Miguel County.

167. GARY COCA has at least thirty-one prior arrests in New Mexico and felony convictions for assault on a peace officer (x2), armed robbery, voluntary

manslaughter, possess firearms by a felon (x3) and aggravated fleeing a law enforcement officer (x2). I believe GARY COCA may be a career offender within the meaning set forth in the USSG and may be subject to prosecution under ACCA. GARY COCA will not be searched pursuant to the requested search warrant.

**MARCOS RUIZ**

168. MARCOS RUIZ is a Westside Locos gang member and an SNM associate RUIZ is currently in custody in San Miguel County for murder, aggravated battery with a firearm and being a felon in possession of a firearm. MARCOS RUIZ has at least eleven prior arrests in New Mexico and has prior felony convictions for voluntary manslaughter and aggravated fleeing a law enforcement officer. I believe MARCOS RUIZ may be a career offender within the meaning set forth in the USSG. MARCOS RUIZ will not be searched pursuant to the requested search warrant.

169. I understand the USAO and DEA intend to charge MARCOS RUIZ and other members of the PADILLA DTO with drug trafficking charges within the next few days.

170. I am aware the DEA anticipate executing a search warrant on MARCOS RUIZ' residence on about the same time the FBI will be serving the search warrants requested within this affidavit.

**ARTURO RUIZ**

171. ARTURO RUIZ is the brother of MARCOS RUIZ and is a former Los Carnales prison gang member. ARTURO RUIZ is currently in custody in San Miguel County on drug and firearm charges. I am aware ARTURO RUIZ completed the NMCD

Restoration to Population Program (RPP), in which he renounced the Los Carnales and debriefed with STIU officers.

172. I am aware the USAO and FBI intend to charge ARTURO GARCIA with being a felon in possession of a firearm and ammunition. As such, I anticipate ARTURO GARCIA will be transferred from SFCADC to the custody of the USMS on or about the time the requested search warrants are executed.

173. ARTURO RUIZ has at least fifteen prior arrests in New Mexico and has felony convictions for residential burglary (x2), conspiracy to commit residential burglary, aggravated battery with a deadly weapon, armed robbery, and shooting in an inhabited dwelling. I believe ARTURO RUIZ may be a career offender within the meaning set forth in the USSG and may be subject to prosecution under ACCA.

**LUIS SANCHEZ, aka: “PAYASO”**

174. LUIS SANCHEZ, aka: “PAYASO” is a member of the Southwest Locos street gang and an SNM associate. LUIS SANCHEZ is out-of-custody and pending charges for being a felon in possession of a firearm, tampering with evidence, use or possession of drug paraphernalia, shooting at a dwelling or occupied building, and criminal damage to property in San Miguel County

175. On August 15, 2019, U.S. Magistrate Judge Jerry Ritter authorized a criminal complaint and arrest warrant charging LUIS SANCHEZ with being a felon in possession of a firearm, Case No. 19mj2664. I anticipate FBI agents will arrest LUIS SANCHEZ when the requested search warrant on his residence is executed.

176. I understand the USAO and DEA intend to charge LUIS SANCHEZ and other members of the PADILLA DTO with drug trafficking charges within the next few days.

177. LUIS SANCHEZ has at least fourteen prior arrests in New Mexico and felony convictions for battery upon a peace officer (x2), false imprisonment, use telephone to terrify, intimidate, threaten, or harass, concealing identity, aggravated stalking, criminal damage to property, aggravated battery against a household member, forgery, aggravated battery, and unlawful taking of a motor vehicle. I believe LUIS SANCHEZ may be a career offender within the meaning set forth in the USSG and subject to prosecution under ACCA.

**REBECCA DURAN, aka: "REBECCA GALLEGOS" and  
JUAN GALLEGOS, aka: "JUANITO"**

178. REBECCA DURAN, aka "REBECCA GALLEGOS" is an SNM associate and is currently on probation with the State of New Mexico for trafficking a controlled substance and escape from community custody. REBECCA DURAN lives with her son JUAN GALLEGOS, aka: "JUANITO," who is on juvenile probation for unlawful possession of a firearm and drug paraphernalia. I am aware juvenile probation officers recently filed a petition to revoke JUAN GALLEGOS' supervised release and have requested the juvenile court issue an arrest warrant for him

179. REBECCA DURAN has at least six prior arrests in New Mexico and felony convictions for trafficking controlled substances, possession of controlled substances, and escape from community custody. JUAN GALLEGOS' criminal record is sealed.

**GILBERT ARAGON, aka: “GEBO”**

180. GILBERT ARAGON, aka: “GEBO,” is a Westside Locos gang member and an SNM associate. GILBERT ARAGON has at least sixteen prior arrests in New Mexico and felony convictions for trafficking a controlled substance, distribution of 50 grams or more of methamphetamine and conspiracy to distribute a controlled substance (10CR2835-BB). I believe GILBERT ARAGON may be a career offender within the meaning set forth in the USSG and may be subject to prosecution under ACCA if he is found to be in possession of a firearm.

**LARRY R. MARTINEZ, aka: “PSYCHO”**

181. LARRY R. MARTINEZ, aka: “PSYCHO” is a member of the SNM and Southwest Locos gangs. LARRY MARTINEZ is currently on parole with the State of New Mexico for second degree murder. LARRY MARTINEZ has at least four prior arrests in New Mexico, to include trafficking a controlled substance, negligent use of a deadly weapon, and conspiracy to commit trafficking. LARRY MARTINEZ has a prior felony conviction for second degree murder.

**JOHN F. SALAZAR, aka: “STONER”**

182. JOHN F. SALAZAR, aka: “STONER” is a validated SNM member and is currently on parole with the State of New Mexico for trafficking controlled substances, receiving/transferring a stolen vehicle, possession of a controlled substance (x3), tampering with evidence, and aggravated battery.

183. JOHN SALAZAR has at least twenty-two prior arrests in New Mexico and felony convictions for possession of cocaine with intent to distribute, receiving or transferring a stolen vehicle, possession of a controlled substance (x3), tampering

with evidence, aggravated battery, possession of a stolen vehicle, and trafficking a controlled substance. I believe JOHN SALAZAR is a career offender within the meaning set forth in the USSG and may be subject to prosecution under ACCA, if found to be in possession of a firearm.

**GEORGE A. SENA, aka: "G DOGG"**

184. GEORGE A. SENA, aka: "G DOGG" is a member of the SNM and is on probation with the State of New Mexico for larceny. Prior to becoming an SNM member, GEORGE A. SENA was a Sureño street gang member from Clovis, New Mexico. I am aware GEORGE A. SENA has a pending 2019 case in San Miguel County for trafficking a controlled substance and a 2004 misdemeanor warrant from Osceola County, Florida, for failure to appear on a traffic violation.

185. GEORGE A. SENA has at least twenty-one prior arrests in New Mexico and prior felony convictions for attempted robbery, possession of a controlled substance, bringing contraband into a jail, aggravated assault, conspiracy, aggravated battery with a deadly weapon resulting in great bodily harm or death, and larceny.

186. I believe GEORGE A. SENA is a career offender within the meaning set forth in the USSG and may be subject to prosecution under ACCA, if found to be in possession of a firearm.

**AMANDA SILVA**

187. AMANDA SILVA is an SNM associate and widow of SNM member JEROMY VASQUEZ, aka: "JOKER." I understand the USAO and DEA intend to charge AMANDA SILVA and other members of the PADILLA DTO with drug trafficking charges within the next few days.

188. AMANDA SILVA has two prior arrests in New Mexico for trafficking a controlled substance, tampering with evidence, possession of a controlled substance (x2), possession of drug paraphernalia and a probation violation. I do not believe AMANDA SILVA has any felony convictions.

**TIMOTHY ORTEGA**

189. TIMOTHY ORTEGA is an SNM associate and member of a DTO in northern New Mexico. TIMOTHY ORTEGA has twelve prior arrests in New Mexico for aggravated assault with a deadly weapon (x4), criminal damage to property, battery of a household member, aggravated battery, aggravated assault, assault of a household member, resisting arrest, false imprisonment, concealing identity and negligent use of a deadly weapon. TIMOTHY ORTEGA has been convicted of battery against a household member and aggravated assault with a deadly weapon. TIMOTHY ORTEGA is also the subject of a domestic violence protection order.

**B. Reorganization of the SNM Criminal Enterprise**

190. In recent weeks, multiple CHS reported being present when SNM members discussed reorganizing the gang, to include a new set of “reglas” (rules). Based on information provided by CHS-1, CHS-3, CHS-4, CHS-5, CHS-6, CHS-7, CHS-9 and CHS-12, all of whom are members of the SNM, the gang recently implemented the following rules for all members:

- a) Rule 1: “Only fed carnales will call the shots, until further notice;”
- b) Rule 2: “Get RICO discovery out to carnales to see who the rats are;”
- c) Rule 3: “Smash-on-sight any government rat;” and
- d) Rule 4: “Two carnales anytime a carnal talks to staff.”

191. Through my conversations with multiple CHS, who are members of the SNM, combined with my training and experience investigating gangs, I understand the rules to mean:

- a) Rule 1: "*Only fed carnales will call the shots, until further notice*" – Only SNM members coming out of the BOP, or currently in the BOP, may make important decisions, such as calling a greenlight on a person. This is a rule because so many SNM members cooperated with the government – most of which were from the state system.
- b) Rule 2: "*Get RICO discovery out to carnales to see who the rats are*" – The Court directed that all discovery material in the various SNM RICO cases must not be contained in paper form; rather it had to be maintained on an electronic tablet. Consequently, all of the RICO defendants had electronic discovery, which hampered their ability to pass paperwork onto other people. Documents indicating a person had cooperated with law enforcement are exceedingly important to prison inmates.
- c) Rule 3: "*Smash-on-sight any government rat*" – Kill or seriously assault any former SNM member who had cooperated with the FBI.
- d) Rule 4: "*Two carnales anytime a carnal talks to staff*" – SNM members must have a witness with them anytime they speak with prison staff to ensure no one is telling on the gang.

192. I believe the SNM has been reorganizing the gang for several months, as much of the SNM criminal enterprise was disrupted with the large-scale prosecution of the

gang. Probably the most disruptive feature of the prosecution, in gang terms, was the fact so many of the SNM's membership cooperated with the government.

193. The investigation into the reorganization of the SNM became a significant priority in late July 2019, when the FBI learned the gang had murdered a government witness and intended to kill others.

194. As such, FBI case agents re-established communications with former and new SNM sources, who were in a position to collect intelligence on the gang. Those sources were queried, questioned and encouraged to meet with SNM members to collect information.

195. Intelligence collection efforts remain active; however, I am able to report CHS-1, CHS-2, CHS-3, CHS-4, CHS-5 CHS-6, CHS-7, CHS-11 and CHS-12 provided information indicating federal SNM members VICTOR VILLALOBOS, aka: "EVIL," GREGORY MONTOYA, aka: "JINX," RAUL GUZMAN, aka: "SHOTGUN," and DOMINIC GUTIERREZ, aka: "GAGE," were notifying other SNM members of the new rules that the SNM members needed to follow. Some of the communications occurred during in-person meetings, a few of which the various CHS were present at. I am also aware BOP telephone and email records indicate VICTOR VILLALOBOS, GREGORY MONTOYA, RAUL GUZMAN, DOMINIC GUTIERREZ, and others, have kept in touch with other SNM members in the BOP.

196. Investigative information indicated VICTOR VILLALOBOS, GREGORY MONTOYA, RAUL GUZMAN, and DOMINIC GUTIERREZ have explained to various SNM members the new reglas had been pushed down from the SNM members in the BOP. VICTOR VILLALOBOS, GREGORY MONTOYA, RAUL

GUZMAN, and DOMINIC GUTIERREZ discussed the fact all SNM members needed to be aware of the new reglas, and the rules needed to be put into practice right away. It was explained to several CHS the new rules were necessary because the organization had too many “leaks” and “rats” within.

197. During meetings that took place in the past few months, VICTOR VILLALOBOS, GREGORY MONTOYA, RAUL GUZMAN and DOMINIC GUTIERREZ all indicated they had been in touch with SNM members in the BOP, and the new reglas were to be implemented immediately. Information from the various CHS indicated VICTOR VILLALBOS, GREGORY MONTOYA, RAUL GUZMAN, and DOMINIC GUTIERREZ were in communication with SNM leaders regarding the new rules, to include FRANKIE GALLEGOS, aka: “CUNTE,” and SAMUEL SILVA, aka: “RABBS,” both of whom are presently incarcerated within the BOP.

198. Information discussed at the meetings indicated a new national “tabla” (table or leadership panel) had been established and FRANKIE GALLEGOS, SAMUEL SILVA, ARTURO GARCIA, aka: “SHOTGUN,” and DANIEL SANCHEZ, aka: “DAN DAN,” were on the tabla. DOMINIC GUTIERREZ instructed the other SNM members, on multiple occasions, to attempt to collect discovery documents on who cooperated with the government in the RICO cases against the SNM. CHS-1, CHS-4, CHS-5 and CHS-6 believed DOMINIC GUTIERREZ and VICTOR VILLALOBOS were collecting volumes of discovery materials, because they asked CHS-4, CHS-5 and CHS-6 to turn over any paperwork to them. DOMINIC GUTIERREZ said the paperwork would be put out on the street for everyone to see.

199. DOMINIC SEDILLO is currently in custody at MDC on aggravated battery with a firearm charges. I attempted to interview him concerning the SNM reorganization; however, he declined to speak with me and denied being an SNM member (despite having several SNM-specific tattoos on his body).

200. Based on a review of recent NMCD and BOP telephone call logs and email records, I am aware SNM leaders FRANKIE GALLEGOS, ARTURO GARCIA, DANIEL SANCHEZ and SAMUEL SILVA maintain regular and frequent contact with other SNM members and are believed to be the main driving forces behind the reorganization of the SNM.

201. Multiple CHS reported VICTOR VILLALOBOS is a shot-caller on the street in Santa Fe and one of the federal SNM members pushing for a reorganization of the SNM. CHS-1, CHS-4, and CHS-12 reported VICTOR VILLALOBOS was very fond of firearms and is currently in possession of a pistol, and an AK-47 or SKS rifle. CHS-1 and CHS-4 reported VICTOR VILLALOBOS was worried about being deported because he was from Mexico and he thought the BOP had made a mistake by not sending him to Immigration and Customs Enforcement when he was released from prison. CHS-1 and CHS-4 reported having observed VICTOR VILLALOBOS with a firearm, on his person and inside his residence, within the past five days.

202. In June and July 2019, CHS-2 and CHS-11, both of whom are affiliated with the California Sureños and Mexican Mafia gangs, reported VICTOR VILLALOBOS, GREGORY MONTOYA, RAUL GUZMAN, DOMINIC GUTIERREZ, FRANKIE GALLEGOS, SAMUEL SILVA and other SNM members, had been in contact with influential California Sureños members to discuss the status of the RICO cases and

who the suspected informants were that would be entering the BOP. VICTOR VILLALOBOS, GREGORY MONTOYA, RAUL GUZMAN, DOMINIC GUTIERREZ and other SNM members, also discussed a potential “project” or plan the SNM had with the California Sureños to “tax” certain drug dealers and gang members in in Albuquerque and Santa Fe.

203. Several CHS attended meetings in July and August 2019, in which RAUL GUZMAN discussed the new reglas for the SNM, which were a key element of the SNM reorganization. During an SNM meeting in August 2019, CHS-4 observed RAUL GUZMAN to be armed with a handgun, which CHS-4 described as a Glock 9mm or .40 caliber pistol.

204. In late August 2019, I interviewed four SNM members who were incarcerated at MDC. I had never spoken with the SNM members before and I interviewed them separately. Each member related they had heard the SNM established new rules and had a new leadership structure. Three of the four SNM members said there was a federal SNM member at MDC and he was calling the shots within the jail. STG officers at MDC observed the same to be true.

205. Multiple CHS reported GREGORY MONTOYA was a well-known member of the federal SNM and involved in reorganizing the gang. Information from the CHS-1, CHS-2, CHS-4, CHS-5 and CHS-10 indicated GREGORY MONTOYA had been in contact with influential California Sureños members and was working with other SNM members on a plan to tax drug dealers and distribute methamphetamine, heroin and fentanyl in Albuquerque. CHS-4 and CHS-5 reported GREGORY MONTOYA

was armed with a pistol and both CHS described GREGORY MONTOYA as having anger issues and a violent temper.

206. On August 29, 2019, VCTF agents conducted surveillance on GREGORY MONTOYA and his girlfriend, VANESSA CHAVEZ, in Albuquerque. VANESSA CHAVEZ drove GREGORY MONTOYA to several locations, to include two suspected drug houses (“LOCATION 1” and “LOCATION 2”) in southeast Albuquerque. VCTF agents observed GREGORY MONTOYA enter LOCATION 1 and remain for approximately five minutes. Two persons of interest were determined to reside at LOCATION 1 based on police records and New Mexico driver’s license and vehicle registration data. I conducted research on those persons and noted PERSON 1 has prior felony convictions for: trafficking a controlled substance (x2), possession of a controlled substance and being a felon in possession of a firearm. I conducted similar research on PERSON 2 and noted he is a suspected member of the SNM, with at least ten prior felony convictions, and jail records indicated he had the word “Sindicato” tattooed across his chest. I later learned LOCATION 1 was the subject of a local narcotics investigation, which remains active.

207. GREGORY MONTOYA visited LOCATION 2 shortly thereafter and remained inside the residence for approximately two minutes. Two of the primary residents at LOCATION 2 are suspected San Jose street gang members, one of whom has a prior conviction for first degree murder and possession of a controlled substance. The second subject has prior convictions for armed robbery and trafficking a controlled substance. I believe the gang members are related to a validated SNM member, who is currently out of custody.

208. After visiting LOCATION 1 and LOCATION 2, GREGORY MONTOYA returned to his vehicle and was driven from the location by VANESSA CHAVEZ. VCTF agents observed GREGORY MONTOYA and VANESSA CHAVEZ park their vehicle some distance from LOCATION 1 and LOCATION 2, and talk. Agents observed VANESSA CHAVEZ taking notes in a red binder during the conversation.

209. According to USPO officers, GREGORY MONTOYA previously reported a desire to leave VANESSA CHAVEZ; however, he feared doing so because her family members were SNM and they would hurt him if he tried to leave.

210. CHS-4 saw GREGORY MONTOYA with a firearm on his person within the past five days. During that meeting, CHS-5 reported GREGORY MONTOYA talked about selling dope to people in the “Warzone” (southeast Albuquerque) and said business had been good.<sup>18</sup>

211. According to CHS-3, CHS-4, CHS-5, CHS-6 and CHS-12, as the SNM continue to reorganize and the gang expands within the BOP, the relationship between the SNM and Mexican Mafia will increase. During the current investigation, agents located several BOP emails between Mexican Mafia member SALVADOR OROZCO HERNANDEZ JR. and SNM associate MICHELLE YVETTE MORALES, aka: “YVETTE BACA.” The emails indicate the Mexican Mafia is in communication with members and associates of the SNM, and the two organizations may be working together to distribute controlled substances and to further other criminal endeavors.

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<sup>18</sup> I believe GREGORY MONTOYA is unemployed, based on CHS reporting, surveillance observations, and New Mexico employment records – which leads me to the inescapable conclusion his insinuation to business being good, is a reference to drug dealing.

212. MICHELLE YVETTE MORALES initially caught the eye of FBI case agents in 2017, after it was discovered she was in email and telephone communication with several SNM members in the BOP. At the time, FBI agents were attempting to mitigate several threats made by the SNM to hit target cooperating defendants, witnesses, victims, informants, agents and federal prosecutors.

213. For a second time, MICHELLE YVETTE MORALES has come up in the investigation of the SNM. CHS-1, CHS-2, CHS-4, CHS-5, CHS-6, CHS-11 and CHS-12 identified MICHELLE YVETTE MORALES as a “switchboard” or exchange for SNM inmates and other gang members to communicate with one another. State and federal inmates are not able to call one another directly, thus a third-party is utilized to overcome prison telephone restrictions. In the BOP, inmates are allowed to use email services, but cannot email one another directly. Similarly, a third-party can send, forward or relay email messages for inmates. I have learned MICHELLE YVETTE MORALES is relaying messages between state and federal prisoners, and members of numerous prison and street gangs. Many of the communications appear to be coded; although clear implications exist indicating monetary transactions are being conducted. I believe MICHELLE YVETTE MORALES has merged telephone calls between gang-inmates, during which criminal matters have been discussed, to include identifying suspected informants. MICHELLE YVETTE MORALES has significant knowledge of gang-related events taking place within the BOP, to include murders, and appears to be up to date on the locations of multiple BOP inmates. MICHELLE YVETTE MORALES uses email

address [myvettegonzales@yahoo.com](mailto:myvettegonzales@yahoo.com) and often refers to herself as "Yvette Morales" and "Yvette Baca."

214. Between March 9, 2019, and September 3, 2019, MICHELLE YVETTE MORALES exchanged approximately 159 emails with suspected gang members within the BOP, to include some of the Target Subjects. I have summarized some of the recent email communications between MICHELLE YVETTE MORALES and a few federal inmates who are suspected gang members:

- a) MICHELLE YVETTE MORALES and SNM member FRANKIE GALLEGOS, aka: "CUNTE," who is an inmate at USP Beaumont, discussed the government's racketeering case against the SNM and the likely locations the SNM members will be sent within the BOP. MICHELLE YVETTE MORALES and FRANKIE GALLEGOS discussed SAMUEL SILVA, aka: "RABBS," and his pending homicide case within the BOP (the murder of excommunicated California Sureños member ABRAHAM ALDANA, aka: "LISTO").
- b) They also discussed which USP yards were "friendly" (to the SNM), but mentioned SAMUEL SILVA, aka: "RABBS," recently killed his cellmate, a California Sureño gang member, and questioned how things may change due to that incident. MICHELLE YVETTE MORALES also passed messages to BOP inmates, to other BOP inmates, for example: "Cisco from 18 seeks to contact tio N." MICHELLE YVETTE MORALES also assisted FRANKIE GALLEGOS connect a three-way calls to other inmates.
- c) MICHELLE YVETTE MORALES and SNM associate VINCENT STEVE MARTINEZ, aka: "MADMAN," (Operation Atonement Phase I defendant), who

is an inmate at USP Canaan, communicated frequently. MICHELLE YVETTE MORALES sent VINCENT STEVE MARTINEZ money several times. VINCENT STEVE MARTINEZ made it clear, several times, MICHELLE YVETTE MORALES should continue communicating with the “Big Homie” (Mexican Mafia member SALVADOR OROZCO HERNANDEZ JR., aka: “TORM”) because such communications would increase his (VINCENT STEVE MARTINEZ’) position and standing within the BOP. VINCENT STEVE MARTINEZ also said he didn’t want to be on the Big Homie’s bad side. Many of the communications between VINCENT STEVE MARTINEZ and MICHELLE YVETTE MORALES reference “the brothers” and “homies,” who are in different BOP institutions. He frequently requested updates on some of his associates in other prisons. VINCENT STEVE MARTINEZ and MICHELLE YVETTE MORALES also discussed sending “paintings” (drugs) to VINCENT STEVE MARTINEZ and if it she could not, she needed to let VINCENT STEVE MARTINEZ know, so he “can tell the homie to take a different route.” In a recent message, VINCENT STEVE MARTINEZ asked MICHELLE YVETTE MORALES to reach out to “Ray Baca and find out who the ‘Big Homie’ is there and let him know that ‘Gato’ was killed by his celly, while in the SHU.” I believe the Ray Baca referenced, is either SNM leader ANTHONY RAY BACA, aka: “PUP,” or Los Padillas gang member RAMON BACA, aka: “Ray” or “JuJu,” or “Pilot.” Both subjects were arrested during the Phase I of Operation Atonement and convicted.

d) MICHELLE YVETTE MORALES had several communications with Mexican Mafia member SALVADOR OROZCO HERNANDEZ JR., an inmate at USP Canaan. MICHELLE YVETTE MORALES was introduced to SALVADOR OROZCO HERNANDEZ JR. by VINCENT STEVE MARTINEZ, who described SALVADOR OROZCO HERNANDEZ JR. as “the main man here” and emphasized the importance of this connection. SALVADOR OROZCO HERNANDEZ JR. described himself as “an eMe member, Toro or Tio” and told MICHELLE YVETTE MORALES to Google his name so she was aware of who he was. SALVADOR OROZCO HERNANDEZ JR. discussed his ability to send money to his grandchildren, despite the fact he was locked-up, and described the structure of his prison pod. SALVADOR OROZCO HERNANDEZ JR. pointed out everyone in his pod had to shake his hand in the morning and he had “12 little homies” under him. The email communications between MICHELLE YVETTE MORALES and SALVADOR OROZCO HERNANDEZ JR. indicated they also communicated via telephone and postal letters.

e) MICHELLE YVETTE MORALES emailed SNM associate BENJAMIN SANCHEZ (also an Operation Atonement Phase I defendant), who is now out-of-custody. BENJAMIN SANCHEZ asked MICHELLE YVETTE MORALES to let VINCENT STEVE MARTINEZ, aka: “MADMAN,” know he will be “out of custody soon and ready and available to provide anything to Madman that he may need.” BENJAMIN SANCHEZ also requested she “let Madman know that Diego Garcia from Burque is a piece of shit (no-good or on a greenlight list).

f) MICHELLE YVETTE MORALES also emailed inmates at USP Big Sandy, USP Coleman I and USP Tucson. In those emails, she passed messages similar to the ones described above.

215. I requested NMCD STIU officials query MICHELLE YVETTE MORALES' telephone number through their inmate telephone system and learned she had been in contact with a dozen different NMCD inmates in five separate prisons around the State of New Mexico, to include the following suspected gang members:

- a) ALEXANDER SILVA, #79280, 18<sup>th</sup> Street gang member;
- b) DAVID OLVEDA, #66894, Brewtown street gang member;
- c) JOSEPH TAPIA, #54792, Barelas street gang member;
- d) GABRIEL DELVAL, #54336, San Jose street gang member;
- e) AMADEO SALGUERO, #58239, Los Carnales prison gang member;
- f) DAVID GRIEGO, #45562, Barelas street gang member;
- g) EDWARD GARCIA, #48139, Burqueños prison gang member;
- h) BRANDON MAY, #82942, No gangs listed;
- i) EDWARDO SERRATO, #77915, Grandel Mafia - Arizona prison gang member;
- j) RANDY NARVAIZ, #86033, San Jose street gang member;
- k) CARLOS FLOREZ, #81308, No gangs listed;
- l) ROY BARELA, #81345, Juaritos Mara Villa gang member;

216. I believe MICHELLE YVETTE MORALES is facilitating communications for the SNM and its criminal associates, to include the street gangs that support the SNM. I am aware many of MICHELLE YVETTE MORALES communications are via letter, and I believe those communications may shed light on some of the current

criminal schemes being executed by the SNM. I also believe MICHELLE YVETTE MORALES is sending controlled substances (“paintings”) into federal prison facilities.

217. I am aware SNM member MARVIN MCALLISTER has been involved in the reorganization of the SNM. MARVIN MCALLISTER recently represented the SNM in the BOP; however, some SNM members from the NMCD claim he is “no good.”

218. CHS-6 reported MARVIN MCALLISTER is “no-good” with SNM members because he had “never earned his wesos” (his bones), but was “trying to be a hitter (drug source of supply in jail) to buy his way in” to the gang.

219. CHS-4 and CHS-12 said MARVIN MCALLISTER was “good” with the federal SNM members and was known for getting drugs into prison. Both CHS reported MARVIN MCALLISTER had women bring him drugs during prison visits, and sent him drugs through fake legal mail and regular postal letters.

220. I am aware MARVIN MCALLISTER has been communicating with SNM leaders DANIEL SANCHEZ, aka: “DAN DAN,” FRANKIE GALLEGOS, aka “CUNTE,” SAMUEL SILVA, aka: “RABBS,” and other SNM leaders to clear up his name and establish a position of influence within the gang. I believe anyone of the previously mentioned leaders could endorse MARVIN MCALLISTER and help him resolve any conflict with other SNM members.

221. On August 26, 2019, MARVIN MCALLISTER spoke with DANIEL SANCHEZ via a three-way call. MARVIN MCALLISTER requested DANIEL SANCHEZ endorse his standing within the gang to SNM member MANUEL CHAVEZ, aka:

“CHEW-CHEW.”<sup>19</sup> DANIEL SANCHEZ spoke to the other inmate and told him MARVIN MCALLISTER was his “pero” (dog) and a good carnal. DANIEL SANCHEZ and MARVIN MCALLISTER then discussed the SNM gang. DANIEL SANCHEZ said a new tabla (table or leadership panel) had been established.

222. Prior to being sent to the SFCADC, MARVIN MCALLISTER was housed at MDC in Bernalillo County. On May 19, 2019, STG officers at MDC contacted me and provided me with a photograph of a tattoo on the top of MARVIN MCALLISTER’s head. STG officers told me they had interviewed MARVIN MCALLISTER inside the STG office, and MARVIN MCALLISTER claimed the “S” tattoo on top of his head was the “new S” and only SNM members in good-standing could have the new tattoo. MARVIN MCALLISTER told STG officer the tattoo had been approved by DANIEL SANCHEZ, aka: “DAN DAN,” FRANKIE GALLEGOS, aka: “CUNTE,” and MARVIN MCALLISTER. MARVIN MCALLISTER told the STG officers he wanted them to be “updated on what’s going on” in the SNM.

223. STIU officers at the SFCADC related to me that MARVIN MCALLISTER told them the same information when he arrived at their facility.

224. Multiple CHS reported JONATHAN GOMEZ is currently the SNM shot-caller within the NMCD, although I am aware DANIEL SANCHEZ, aka: “DAN DAN,” was recently returned to PNM from federal custody.<sup>20</sup>

225. CHS-6 reported JONATHAN GOMEZ has been collecting discovery material in the governments RICO case against the gang to advise the SNM who the informants

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<sup>19</sup> At the time of the three-way telephone call, MARVIN MCALLISTER and MANUEL CHAVEZ were incarcerated at SFCADC and DANIEL SANCHEZ was at the PNM North facility.

<sup>20</sup> JONATHAN GOMEZ is at the PNM South facility and DANIEL SANCHEZ is at the PNM North facility.

were. I have participated in the search of JONATHAN GOMEZ' prison cell during past SNM shakedown operations at PNM and discovered confidential discovery documents, to include about sixty pages from an SNM search warrant affidavit I had written. When questioned about the confidential document, JONATHAN GOMEZ smiled and told me he found the material "makes for interesting reading."

226. In a September 2019, recorded three-way telephone call prearranged by FRANCES MCALLISTER, DANIEL SANCHEZ discussed getting trial transcripts from his attorney and sending them from PNM to SFCADC for another SNM member to review. The transcripts pertaining to an SNM member being no good.

**C. Drug Distribution in Furtherance of the SNM Criminal Enterprise**

227. The SNM has historically generated income by distributing controlled substances, extorting weaker drug dealers, and participating in robberies and burglaries. Although the SNM is one organization, the gang operates in subgroups in different geographic locations. For example, each NMCD and USP facility has a localized group of SNM members, with a leader, or panel of leaders. On the streets, the State of New Mexico is broken up into regions: north, south, east and west.

228. Although there are different subgroups, the method of operation remains the same. Incarcerated members are expected to create opportunities to smuggle drugs and contraband cell phones into the facilities, and manufacture weapons. A portion of drugs and/or drug proceeds are shared with other SNM members. Drugs are sold to the larger inmate population within the prison(s), and fellow SNM members are expected to band together to ensure payment for drugs is collected. In some cases, where the SNM controlled a prison, or section of the prison, other inmates are taxed

on their sales of narcotics. The same methods are utilized in SNM dominated neighborhoods in New Mexico, where smaller drug dealers are taxed by governing SNM members. SNM members on the street exercise more autonomy from gang leaders, but are expected to take care of SNM business and share drugs or proceeds with their incarcerated brothers. SNM members work together to manage non-SNM drug dealers on the street and within prison walls, to include: the demand for payment of tributes or taxes, the assurance of protection and support in exchange for payment, and the threat of or use of violence if payment was not made.

229. I believe the operation of different SNM groups in different areas of the state, and in federal prisons, do not contradict the existence of a single conspiracy. I believe the activities of the SNM members are coordinated, so as to ensure the group supports the plans and proclamations in the best interest of the whole group. For example, SNM leaders must coordinate to ensure no two groups were taxing the same drug dealer. I am aware SNM leaders manage the operations of their subordinates, to include: (1) consistent methods for smuggling drugs into prison, (2) an established system for the distribution and sale of drugs once inside a facility, (3) which involved the standard tribute given to SNM members, (4) the advertisement of drugs for sale, (5) the method of payment, and (6) the threat of violence for nonpayment.

230. For each of the activities described herein, I believe there is probable cause to believe SNM members and associates knew of the activities of others within the group, and the drug distribution schemes were heavily dependent on the reputation and strength of the SNM as an entire organization. Moreover, each scheme was intended to benefit all members and associates within the enterprise.

231. In the paragraphs that follow, I have provided details related to an on-going conspiracy to distribute controlled substances in furtherance of the SNM enterprise.

**1. Methamphetamine and Fentanyl Distribution in Albuquerque**

232. In late December 2018, the FBI received information indicating federal probationer KARLA MARGARITA PENA (K. PENA) was selling fentanyl in southeast Albuquerque and serving as a drug source of supply to an SNM member who was recently released and on parole. K. PENA was on federal supervised release at the time for a prior conviction of possession with intent to distribute heroin. During subsequent surveillance of K. PENA, she was observed visiting a known SNM member and an SNM associate, both of whom had significant backgrounds in drug trafficking.

233. Sometime later, an undercover agent (UCA) was able to establish a relationship with K. PENA and purchased fentanyl and methamphetamine from her. The UCA subsequently ordered bulk quantities of fentanyl and methamphetamine, at which time the UCA was introduced to K. PENA's sister, MARYSOL PENA, and associate GUILLERMO CRUZ RODRIGUEZ. The UCA purchased 900 tablets of fentanyl and one pound of methamphetamine from the trio, in southeast Albuquerque. The DEA laboratory subsequently determined the methamphetamine purchased from K. PENA and her associates to be 98% pure.

234. In late January 2019, K. PENA and GUILLERMO CRUZ RODRIGUEZ delivered thirteen pounds of methamphetamine and 700 fentanyl tablets to the UCA in Albuquerque. K. PENA and RODRIGUEZ were arrested at that time and case agents executed a federal search warrant on K. PENA's southeast Albuquerque

apartment. Agents located an additional pound of methamphetamine and about 100 more fentanyl tablets. Following the arrest of K. PENA and GUILLERMO CRUZ RODRIGUEZ, CHS-1, CHS-4, CHS-7 and CHS-8 reported SNM methamphetamine operations in southeast Albuquerque were disrupted.

235. MARYSOL PENA remained a fugitive until August 2, 2019, when she was arrested by detectives in Provo, Utah, with approximately 3.5 pounds of heroin.<sup>21</sup>

236. I do not believe the PENAs and GUILLERMO CRUZ RODRIGUEZ to be members of the SNM; rather they served as a methamphetamine and fentanyl source of supply for SNM gang members. I know the SNM participate in methamphetamine and heroin sales all over New Mexico, to include within prison and jail facilities.

237. I recently reviewed translated transcripts of K. PENA's jail calls, which were recorded by the facility. I noted in several of K. PENA's calls, she referenced a particular member of the SNM as being "no good" and believed the SNM member would be killed by the gang. In other calls, K. PENA related an SNM member was a rat and working for the FBI. K. PENA provided information to one of her sisters to get word to an SNM associate, so the associate was aware of the suspected informant.

## **2. Heroin from Ciudad Juarez, Mexico**

238. In June 2019, I received information indicating SNM member HENRY FELIX, aka: "CHATO," and SNM members DOMINIC SEDILLO, aka: "SICARIO," LEROY E. ROMERO, aka: "SWAMP," and others were involved in trafficking heroin to street-level dealers in Albuquerque and Española, New Mexico. Additional

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<sup>21</sup> <https://www.krqe.com/news/crime/suspect-connected-to-albuquerque-drug-bust-arrested-in-utah/>;  
<https://www.abqjournal.com/1348852/fugitive-in-local-fentanyl-case-caught-in-utah.html>

information indicated HENRY FELIX was armed and distributing heroin from his residence within the San Jose neighborhood of Albuquerque.

239. CHS-1 provided information on HENRY FELIX's heroin distribution cell. CHS-1 related FELIX obtained his heroin from a source of supply in Ciudad Juarez, Mexico, and utilized females to "body pack" the heroin from Ciudad Juarez to El Paso, Texas. HENRY FELIX relied on the females and an SNM member to transport the heroin to Albuquerque.

240. CHS-1 was present at HENRY FELIX's residence when a known SNM member and a female associate retrieved several ounces of heroin from HENRY FELIX. CHS-1 and the known SNM member spoke with HENRY FELIX and learned SNM member DOMINC SEDILLO was in El Paso and would be coming up with "chiva" (heroin) soon. HENRY FELIX said some of the heroin was to go to "SWAMP in Spana" (Española, NM).<sup>22</sup> CHS-1 observed a black pistol on the kitchen counter, next to HENRY FELIX's cell phone.

241. On July 22, 2019, FBI agents executed a federal search warrant on HENRY FELIX's residence in Albuquerque. The warrant authorized agents to search the premises for evidence of RICO Act conspiracy and armed heroin trafficking.

242. During a search of the residence, agents seized several ounces of heroin, a stolen handgun, ammunition and drug packaging material. HENRY FELIX was arrested for possession of a firearm in furtherance of a drug trafficking crime, being a felon in possession of a firearm and possession of heroin with intent to distribute. Later that

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<sup>22</sup> I know "SWAMP" to be the nickname of SNM member LEROY E. ROMERO. I previously spoke with LEROY E. ROMERO during a 2018 "shakedown operation" of several SNM members' prison cells at PNM.

afternoon, DOMINIC SEDILLO was arrested at his residence in Albuquerque on an outstanding felony warrant for aggravated battery with a firearm.

**3. A New Methamphetamine Source of Supply from Arizona**

243. In the months following the arrest of K. PENA, I learned the SNM in Albuquerque was utilizing a new methamphetamine source of supply from Arizona.

244. In mid-August, CHS-7 reported meeting with SNM member RUDY D. CHAVEZ, aka: "SNOOPS," in Arizona. During the meeting, RUDY CHAVEZ related he was living in Arizona and "working with the paisas."<sup>23</sup>

245. RUDY CHAVEZ told CHS-7 he was "doing good" with fellow SNM members JOHNNY RAY GALLEGOS and "WACKY" (DAVID CHAVEZ), who were in Albuquerque and had "organized the little homies" and "were balling hard with shards" and "the little blue Oxys." CHS-7 and I understood those references to mean JOHNNY RAY GALLEGOS and DAVID CHAVEZ had organized younger street gang members to sell methamphetamine and fentanyl tablets, the drug dealers were hard-working and experiencing profitable sales.

246. On August 29, 2019, RUDY CHAVEZ was arrested by NMCD STIU fugitive investigators at a Walgreens pharmacy in Albuquerque on outstanding warrants for attempted murder, aggravated battery and probation violations related to domestic violence assault charges.

247. CHS-5 reported RUDY CHAVEZ moved from New Mexico in early 2016, although he often came back to help his dad with his upholstery business in

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<sup>23</sup> I know the term "paisa" or "paisano" to be a slang term referring to a non-gang affiliated person from Mexico. In U.S. prisons, the Paisas are a loosely affiliated group, without ties to organized gangs, who band together for protection. In drug subculture, street dealers often refer to their "Mexican connect" or Mexico-based source of supply as being "cartel" or "a paisa."

Albuquerque. CHS-5 said RUDY CHAVEZ moved from the area because he thought the FBI would charge him with RICO Act violations. CHS-5 related RUDY CHAVEZ was worried because he had appeared on the Gangland television documentary on the SNM and believed the government would use the footage against him to prove his membership in the SNM. CHS-5 reported RUDY CHAVEZ was sending drugs to people in Albuquerque, via the mail and hidden compartments in vehicles. CHS-5 said RUDY CHAVEZ was experienced in building hidden compartments, particularly within upholstery and previously helped CHS-5 and other SNM members construct hidden compartments in vehicles.

248. I am aware CHS-8 often interacts with JOHNNY RAY GALLEGOS and requested CHS-8 attempt to verify some of the information provided by CHS-5. Over the course of the past ten days, CHS-8 met with JOHNNY RAY GALLEGOS and learned JOHNNY RAY GALLEGOS was unemployed, selling heroin and in possession of a handgun.

249. Within the past three days, CHS-8 spoke with JOHNNY RAY GALLEGOS and confirmed he had heroin and Suboxone for sale.

250. While investigating JOHNNY RAY GALLEGOS and DAVID CHAVEZ, I learned another law enforcement agent had obtained information from CHS-5 indicating DAVID CHAVEZ was armed with a pistol and selling methamphetamine, heroin and fentanyl in southeast Albuquerque. After receiving that information, I requested CHS-5 establish more frequent contact with DAVID CHAVEZ in order to better understand CHAVEZ' criminal activities.

251. In recent weeks, I also learned Security Threat Group (STG) officers at the Bernalillo County Metropolitan Detention Center (MDC) developed information indicating DAVID CHAVEZ and others were causing drugs to be smuggled into MDC and distributed by inmates. An STG source reported DAVID CHAVEZ was “putting in a lot of work” and “doing big things” with regard to drug sales.

252. CHS-5 has maintained weekly contact with DAVID CHAVEZ and reported DAVID CHAVEZ was selling methamphetamine, fentanyl, heroin and Suboxone. CHS-5 said DAVID CHAVEZ expressed concern other SNM members, mainly “the other carnales from the feds” would try to get in on his drug business, which would lessen DAVID CHAVEZ’ profit margin. DAVID CHAVEZ did not believe he needed to share proceeds from his drug sales with anyone.

253. Within the past three days, CHS-5 met with DAVID CHAVEZ and reported he had a pistol on his person and was engaged in selling heroin from his vehicle and residence. CHS-5 reported DAVID CHAVEZ drove a blue Dodge Nitro with no license plate.

#### **4. Partnering with the California Sureños**

254. CHS-2 and CHS-11 are California Sureños members and reported VICTOR VILLALOBOS, GREGORY MONTOYA, RAUL GUZMAN and DOMINIC GUTIERREZ have been in dialog with California Sureños members to purchase controlled substances and implement a tax on certain drug dealers in specified neighborhoods, as well as persons dealing within PNM and SFCADC. The SNM members also discussed taxing inmates at MDC, but believed they would be vastly outnumbered by the Burqueños and unable to handle resistance to the implementation

of a new tax. I am aware SNM members entering MDC are placed in segregated housing units and not able to congregate with “regular” inmates.

255. According to CHS-2 and CHS-11, the SNM believed they would have enough “undercover” members to control general population at PNM, SFCADC and the Sandoval County Detention Center. The federal SNM members were under the impression their NMCD counterparts at PNM would be released to general population, where they could “walk the lines” and interact with regular inmates. Once in general population, the SNM could tax prison drug dealers. The SNM members felt confident in their ability to force the tax on other inmates through the threat of violence and as one SNM member reportedly put it, “We’ll stomp anyone who doesn’t pay. If that doesn’t work, we’ll kill em.”

256. CHS-2 reported several California Sureños from Los Angeles, who were now living in New Mexico, had recently discussed the fact they had partnered up with SNM members “from the feds” to distribute drugs in Albuquerque. CHS-2 was aware of the partnership through CHS-2’s close relationship with the California Sureños and Mexican Mafia. CHS-2 identified the SNM members who had met with the California Sureños as “JINX” (GREGORY MONTOYA) “GAGE” (DOMINIC GUTIERREZ) and “SHOTGUN” (RAUL GUZMAN). CHS-2 provided the names of the California Sureños members; however, I am not disclosing their names in this affidavit because they are the subjects of a separate federal investigation.

257. CHS-2 and CHS-11 reported DOMINIC GUTIERREZ had brokered a deal with members of the California Sureños gang from Los Angeles, California, to obtain methamphetamine on a weekly basis. DOMINIC GUTIERREZ told CHS-2 he

(DOMINIC GUTIERREZ) needed a steady “plug” (source of supply) because he was managing several drug houses in the “warzone” (southeast Albuquerque).

258. CHS-11 was present at a meeting in mid-August 2019, in Valencia County, where SNM member DOMINIC GUTIERREZ met with two California Sureños members to discuss methamphetamine and fentanyl prices. DOMINIC GUTIERREZ agreed to pay the California Sureños \$2 per fentanyl tablet, which CHS-11 thought was a good price, as the pills sold on the streets of Albuquerque for \$10-12 a unit.

259. CHS-1 was present at a recent meeting, in which RAUL GUZMAN expressed he did not trust the California Sureños, and requested references from the BOP who could vow for the individuals. CHS-1 reported RAUL GUZMAN contacted several federal SNM members to ask about the California Sureños and their connections. CHS-1 said RAUL GUZMAN preferred to buy controlled substances from sources in Ciudad Juarez, Mexico, where RAUL GUZMAN claimed to have connections.

260. With regard to RAUL GUZMAN, VCTF personnel conducted intermittent surveillance on his residence in August and September 2019. Surveillance agents observed consistent vehicle, bicycle, and foot traffic to and from a motorhome parked in the front yard of RAUL GUZMAN’s residence. Similarly, I am aware APD received neighborhood complaints in July and August, 2019, about suspected drug activity taking place around the motorhome.

261. Multiple CHS reported SNM members on the street in Santa Fe, to include FRANK CARABAJAL, FRANKIE HERRERA, aka: “JOKER,” JOSE V. LOVATO, aka: “JOSER,” and others, were distributing heroin with street gang members, to include California Sureños members. Additional reporting indicated FRANK

CARABAJAL, FRANKIE HERRERA and JOSE V. LOVATO recently attended meetings with other SNM members regarding the reorganization of the SNM. During these meetings, the SNM members discussed killing government witnesses, placing a tax on certain street gangs and drug dealers, and formalizing some drug trafficking activities with members of the California Sureños gang.

**5. Heroin and Suboxone Distribution in Santa Fe and Española**

262. In early August 2019, the FBI received information indicating SNM member LEROY ROMERO, aka: "SWAMP," and other SNM members in Española had obtained a new heroin source of supply that was transporting heroin from El Paso, Texas to Española. CHS-13 reported LEROY ROMERO, DAVID VALDEZ and LEOPOLDO SALAZAR were sending heroin and Suboxone into PNM and SFCADC via person-to-person visits and fake legal mail. I am aware PNM and SFCADC are important to the SNM and California Sureños gangs, as most of the gangs members are incarcerated at the PNM South facility and a significant number of federal inmates from both gangs are housed at the SFCADC.

263. I have learned NMCD and SFCADC officers have seized controlled substances from SNM members in recent weeks.

264. On July 11, 2019, corrections officers at SFADC observed inmate ROBERT J. TRUJILLO, aka: "SLEEPY," a validated member of the SNM, acting unusual, and officers located suspected drug contraband, wrapped in plastic, fall from the pant leg of ROBERT TRUJILLO. Officers conducted a strip search on ROBERT TRUJILLO and located two additional plastic wrappings under ROBERT TRUJILLO's genitals. The three wrappings were inspected and found to contain: twenty-seven light blue

M30 suspected fentanyl tablets, sixty strips of Suboxone, and an amount of marijuana.

265. On July 29, 2019, STIU officers at the SFCADC intercepted a letter, shipped via the U.S. Postal Service, addressed to SNM member MARVIN MCALLISTER, aka: "LOONEY," from FRANCES M. MALLISTER, aka: "FRANCES BACA," aka: "FRANCES MONTANO." I am aware FRANCES MCALLISTER is MARVIN MCALLISTER's girlfriend. The officers inspected the letter, as per jail protocol, and discovered it contained Suboxone strips. Following the seizure of the Suboxone, FRANCES M. MCALLISTER and MARVIN MCALLISTER communicated through a series of recorded jail calls and discussed the fact the Suboxone was seized. FRANCES M. MCALLISTER expressed anger toward the correctional staff for seizing the contraband and indicated she would retaliate against one of the officers.

266. On or about August 14, 2019, I learned the NMCD STIU intercepted a letter, shipped via the U.S. Postal Service, addressed to SNM inmate DANIEL SANCHEZ, aka: "DAN DAN," from FRANCES M. MCALLISTER. The contents of the letter expressed that MARVIN MCALLISTER had been trying to track down DANIEL SANCHEZ and needed to speak with him. I am aware through recorded jail calls and information from STG and STIU officers that MARVIN MCALLISTER has been "politicking" to be put in a position of leadership within the SNM. I know DANIEL SANCHEZ, who was recently convicted of VICAR murder, is viewed as an up-and-coming leader within the SNM. Based on information from STG and STIU officers, I am aware MARVIN MCALLISTER has been directing FRANCES M.

MCALLISTER to write letters to other SNM leaders, to include FRANKIE GALLEGOS, aka: "CUNTE."

267. Based on intercepted jail and prison calls, FRANCES M. MCALLISTER is serving as "headquarters" for the SNM to pass messages. Telephone call interception indicated DANIEL SANCHEZ, SAMUEL SILVA, JOSE MARQUEZ, aka: "BAT," and other "brothers," have been and will continue to relay messages to one another via FRANCES M. MCALLISTER. I am also aware SNM messages are relayed via U.S. Postal mail to FRANCES M. MCALLISTER. Moreover, controlled substances are sent into prison and jail facilities by the use of postal letters.

268. Similarly, FRANCES M. MCALLISTER is assisting MARVIN MCALLISTER to set up "conference calls," or three-way calls, with other SNM members, to include DANIEL SANCHEZ and FRANKIE GALLEGOS.

269. During the month of August 2019, STIU investigators at the SFCADC monitored jail calls between FRANCES M. MCALLISTER and MARVIN MCALLISTER and learned FRANCES M. MCALLISTER would be making a trip to Arizona or Oklahoma to pick up a quantity of drugs, which FRANCES M. MCALLISTER referred to as "cookies." STIU officers had previously heard FRANCES M. MCALLISTER indicate the word cookie or cookies would be code for drugs. MARVIN MCALLISTER told FRANCES M. MCALLISTER to go to the location that "would be the most beneficial."

270. On August 26, 2019, FRANCES M. MCALLISTER spoke with DANIEL SANCHEZ, as per an agreed upon time. FRANCES M. MCALLISTER set up a three-way call between DANIEL SANCHEZ and MARVIN MCALLISTER.

DANIEL SANCHEZ and MARVIN MCALLISTER discussed gang business and MARVIN MCALLISTER had DANIEL SANCHEZ talk to another SNM inmate (MANUEL CHAVEZ, aka: "CHEW-CHEW") who had been questioning MARVIN MCALLISTER's status within the gang. Similar telephone calls were made in August and September 2019.

271. I believe FRANCES M. MCALLISTER is facilitating communications for the SNM. I believe FRANCES M. MCALLISTER communicates via letter and I think those communications may shed light on some of the SNM's current criminal activities. I also believe FRANCES M. MCALLISTER is sending controlled substances into jail and prison facilities.

272. Within the past month, CHS-6 and CHS-12 reported SNM member RUFINO J. MARTINEZ, aka: "MONO," was selling controlled substances within the SFCADC and several inmates had run up a drug debt with RUFINO MARTINEZ. CHS-12 related RUFINO MARTINEZ had told other SNM members to be ready to hit the debtors if they were delinquent in the future.

273. Nearly a dozen different CHS reported JOSE V. LOVATO, FRANK CARABAJAL and FRANKIE HERRERA were distributing controlled substance on the street in Santa Fe and sending drugs into the prison and jail. JOSE V. LOVATO is believed to have "a mule" or "mules" that could bring drugs into PNM and SFCADC. I am aware PNM and SFCADC are important to the SNM and California Sureños gangs, as most of the gang's members are incarcerated at the PNM South facility, and a significant number of federal inmates from both gangs are housed at the SFCADC.

274. CHS-6 reported JOSE V. LOVATO was arrested in late August 2019, and at

SFCADC, a fact I was able to confirm. CHS-6 said JOSE V. LOVATO was getting Suboxone into SFCADC through a female visitor and selling Suboxone to other inmates for cash or jail canteen (snacks and personal items).

275. In late August 2019, STIU officials at PNM advised they received confidential information from a reliable source indicating SNM member ALEX MUÑOZ, aka: "CHIPLEE," had been getting Suboxone into the South facility, and it had been shipped into PNM as "legal mail." The source of information reported the drugs were being sent into the facility by SNM members and associates on the outside.

276. CHS-1, CHS-2, CHS-3, CHS-4, CHS-5, CHS-6, CHS-7, CHS-8, CHS-11, CHS-12 and CHS-13 reported Santa Fe SNM members FRANK CARABAJAL, FRANKIE HERRERA, JOSE V. LOVATO and others, were distributing heroin with several street gang members, to include members of the California Sureños gang. CHS-6, CHS-7, CHS-8 and CHS-12 reported FRANK CARABAJAL, FRANKIE HERRERA and JOSE V. LOVATO were sending Suboxone and heroin into PNM and SFCADC. CHS-6 and CHS-12 reported having been incarcerated within the past year, when SNM members received Suboxone from FRANK CARABAJAL, FRANKIE HERRERA or JOSE V. LOVATO. CHS-6 and CHS-12 reported SNM members were able to get the drugs into the institutions via female visitors, who concealed them on/in their persons and subsequently transferred the drugs to a member of the SNM. From there, the drugs were distributed to other inmates.

277. Within the past three days, CHS-7 spoke with FRANK CARABAJAL and reported FRANK CARABAJAL had heroin for sale.

278. CHS-7 and CHS-12 reported FRANKIE HERRERA usually kept a firearm on his person to protect his heroin, intimidate rivals and conduct his SNM business. Within the past three days, CHS-7 and CHS-8 observed FRANKIE HERRERA to be in possession of a silver revolver and multiple baggies of heroin, which FRANKIE HERRERA was selling to various persons in town and from his residence.

279. Prior to the arrest of HENRY FELIX, aka: "CHATO," on July 22, 2019, I believe the SNM members in Espanola had obtained their heroin from HENRY FELIX. I am unaware of who may have taken HENRY FELIX's place as the source of supply to the Espanola SNM members. Based on information from multiple sources, I believe LEROY ROMERO, DAVID VALDEZ and LEOPOLDO SALAZAR are still selling controlled substances. The facts that support my belief are as follows:

280. Within the past ten days, CHS-13 spoke with LEROY ROMERO and learned LEROY ROMERO had to move from his prior residence because a relative of LEROY ROMERO has been "too nosy" and keeping a close eye on him. LEROY ROMERO had been concerned his relative might call LEROY ROMERO's parole officer if drugs or a gun were observed in the house.

281. On September 3, 2019, FBI SSGTF agents followed LEROY ROMERO from a prescheduled meeting at the parole office in Espanola to a mobile home in the Milagro Village Mobile Home Park in Espanola.

282. On September 5 and 6, 2019, SSGTF agents determined LEROY ROMERO was living at the Milagro Village Mobile Home Park and confirmed with management that he had just moved in with ANAYA CRUZ CARDOZA.

283. CHS-13 speaks with LEROY ROMERO on a regular basis and LEROY ROMERO recently told CHS-13 to be careful because “things are hot in Spana” and “the feds were hitting vatos.” LEROY ROMERO told CHS-13 that several carnals at PNM owed him money for dope he had sent in. CHS-13 knows LEROY ROMERO to keep a pistol on him, or near him at all times, when he is on the street. CHS-13 described LEROY ROMERO as having anger issues and was surprised he had been out on parole “this long without killing or robbing someone.”

284. Within the past three days, CHS-13 observed LEROY ROMERO to be in possession of a black handgun, which CHS-13 believed to be a .25 caliber or .380 caliber pistol.

285. CHS-13 has obtained heroin from DAVID VALDEZ and LEOPOLDO SALAZAR on multiple occasions and knows both SNM members to be sourced by LEROY ROMERO.

286. Within the past three days, CHS-13 contacted DAVID VALDEZ and confirmed he had heroin for sale. DAVID VALDEZ told CHS-13 to come by his (DAVID VALDEZ’) house “anytime.”

287. Within the past three days, CHS-13 contacted LEOPOLDO SALAZAR and confirmed he had heroin and Suboxone for sale. LEOPOLDO SALAZAR said he could deliver to CHS-13, or CHS-13 could come to LEOPOLDO SALAZAR’s residence whenever CHS-13 was ready to buy.

#### **6. Drug Distribution in Las Vegas, New Mexico**

288. Multiple CHS reported the SNM members in Las Vegas, NM, were sourced by a multi-pound distributor named ROBERT PADILLA. In addition to being supplied by

ROBERT PADILLA, SNM members served as “muscle” for ROBERT PADILLA and helped collect drug debts, intimidate rivals, and injured or killed people who failed to pay debts to ROBERT PADILLA.<sup>24</sup>

289. I am working with sixteen CHS in the instant investigation, seven of whom claim to know ROBERT PADILLA well. At least five of the CHS have distributed controlled substances for or with ROBERT PADILLA, over the past few years. Several CHS and Las Vegas residents have told me ROBERT PADILLA is rumored to be an “untouchable federal informant,” “connected to the San Miguel County District Attorney,” and has one or more Las Vegas police officers “on his payroll.” I have not found any such information to be true; rather I suspect ROBERT PADILLA has benefitted from good fortune and a burdened criminal justice system. I surmise his reputation as being “connected” to organized crime and his apparent access to money may have contributed to witnesses and victims failing to cooperate with law enforcement in some of ROBERT PADILLA’s prior cases.

290. ROBERT PADILLA is no stranger to federal law enforcement; in fact he had been a target of six previous DEA wiretaps and intercepted on at least one related FBI wiretap, over the past twenty-years. Beginning in March 2017, the DEA initiated a drug trafficking and money laundering investigation into the criminal activities of ROBERT PADILLA and his associates (hereinafter the “PADILLA DTO”).

291. Despite a lengthy and bold criminal history of drug trafficking and nefarious relationships with members of the SNM prison gang and Banditos outlaw motorcycle

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<sup>24</sup> A CHS reported two men who had run afoul of ROBERT PADILLA, David Chavez (not the Target Subject listed herein) and Frankie Montoya, had been lured to the forest outside Las Vegas, New Mexico, and killed by members of the DTO. The men had reportedly stolen drugs from ROBERT PADILLA. I confirmed both men were listed as missing persons in Las Vegas and law enforcement officials considered their cases to be drug related and potential homicides.

gang, ROBERT PADILLA has avoided any serious criminal convictions. One widely held theory among drug dealers and users in Las Vegas is that ROBERT PADILLA maintained relationships with corrupt officials within law enforcement and the local prosecuting attorney's office. I am unable to confirm ROBERT PADILLA's relationship with any potentially corrupt officials; however, I am certain he is presently involved in drug trafficking and believe him to be the head of the PADILLA DTO. My information regarding the PADILLA DTO is derived from multiple CHS and corroborated by the dutiful work of the DEA over the years.

292. In the paragraphs that follow, I have outlined some of the criminal activities of ROBERT PADILLA. This information begins in 1999 and takes us to the present day:

293. DEA Investigation 1: In 2000, the DEA utilized a CHS to conduct an undercover controlled-buy of crack-cocaine from ROBERT PADILLA. The controlled-buy resulted in a federal grand jury indictment against ROBERT PADILLA for distribution of crack-cocaine. The DEA subsequently executed a search warrant at ROBERT PADILLA's residence and seized crack-cocaine, a 9mm handgun, ammunition and a ballistic vest.

294. For reasons unknown to me, the Court granted ROBERT PADILLA's motion to dismiss the case the following year. I have consulted with attorneys at the U.S. Attorney's Office and they have been unable to account for the Court's dismissal order and have ordered the official U.S. Attorney's Office file from archives.

295. DEA Investigation 2: In April 2009, DEA agents interviewed a police sergeant, who reported ROBERT PADILLA had "a paid mole" inside the San Miguel County

District Attorney's Office. More specifically, ROBERT PADILLA was paying an investigator at the DA's office \$1,000 per week for information. The DA investigator was a disgraced Las Vegas, New Mexico, police officer who had been fired for stealing evidence. Additional information from the police sergeant, as well as members of the Region IV Drug Task Force, which operates in San Miguel County, indicated the corrupt DA investigator provided tips to ROBERT PADILLA and his attorney anytime law enforcement was looking at ROBERT PADILLA. DEA agents were able to confirm the DA investigator had been employed by the San Miguel District Attorney's Office for about fifteen years.

296. During the 2009 investigation, the DEA identified several members of the PADILLA DTO. One such member, DELFINO SALAZAR, sold a CHS crack-cocaine. Law enforcement officers executed a search warrant on DELFINO SALAZAR's residence and located crack-cocaine inside the residence and stashed in a toolbox in the back yard. DELFINO SALAZAR was arrested, but refused to provide information on ROBERT PADILLA.

297. DEA Investigation 3: In early 2011, DEA agents initiated a renewed investigation into ROBERT PADILLA. The investigation included a court authorized wiretap, which resulted in pertinent interception of ROBERT PADILLA.

298. In March 2011, DEA agents observed JOSEPH SANCHEZ arrive at ROBERT PADILLA's Rio Rancho, New Mexico, residence on a motorcycle and obtained a backpack from ROBERT PADILLA. JOSEPH SANCHEZ departed the residence shortly thereafter and was stopped by a uniformed police officer. A narcotics detection K-9 subsequently conducted a free air sniff of JOSEPH SANCHEZ's

motorcycle and alerted to the backpack that had been given to him by ROBERT PADILLA. DEA agents obtained a search warrant for the bag and discovered \$17,783.00 in U.S currency inside. DEA agents seized the money.

299. In May 2011, DEA agents and officers again observed JOSEPH SANCHEZ retrieve an item from ROBERT PADILLA at his residence in Rio Rancho. During a subsequent vehicle stop of JOSEPH SANCHEZ, agents seized an additional \$44,400.00 in U.S. currency.

300. In November 2011, a search warrant was executed on ROBERT PADILLA's residence in Rio Rancho. Agents failed to locate any items of contraband or evidence. DEA agents subsequently received information from a credible CHS that ROBERT PADILLA had known of the pending search warrant in advance. The CHS told agents the CHS had spoken with ROBERT PADILLA after the search and seizure warrants were executed and ROBERT PADILLA said, "They found nothing." The CHS told ROBERT PADILLA that he had been lucky, to which ROBERT PADILLA replied, "Got to know what you're doing, you got to know the right people."

301. DEA Investigation 4: In March of 2017, the DEA received a request from personnel at the San Miguel County District Attorney's Office and LVPD to investigate the PADILLA DTO. The District Attorney's Office advised several state drug defendants connected to the PADILLA DTO were facing charges, but were unwilling to cooperate against ROBERT PADILLA. As a result of the request, the DEA initiated another investigation into ROBERT PADILLA. In the months that followed, agents developed information indicating ROBERT PADILLA was living in Albuquerque and Las Vegas, and involved in drug trafficking. Despite law

enforcement efforts, case agents were unable to penetrate the PADILLA DTO and the case went cold.

302. In the fall of 2017, DEA agents caught a break in their investigation of the PADILLA DTO when they noted a DEA target was in communication with a cell phone associated with ROBERT PADILLA. Within a couple months, DEA agents cultivated a CHS who knew ROBERT PADILLA and had purchased drugs from him in the past.

303. Meanwhile, an LVPD employee contacted the DEA and began providing information on ROBERT PADILLA. The LVPD employee related he had come to the DEA because he did not trust LVPD officers and detectives with information on ROBERT PADILLA and suspected they “looked the other way” with regard to ROBERT PADILLA. The LVPD employee identified ROBERT PADILLA as the main drug source of supply in Las Vegas and attributed about 70% of the cocaine, heroin, and methamphetamine on the streets in Las Vegas as having come from the PADILLA DTO. The LVPD employee further stated several individuals arrested by the LVPD for possession and/or trafficking controlled substances had identified ROBERT PADILLA as the source of supply.

304. The LVPD employee provided the DEA with information indicating ROBERT PADILLA’s girlfriend, SHARLETT MARTINEZ, was employed as a manager at a Las Vegas Wells Fargo branch and helped launder money for the PADILLA DTO. Additional information indicated that on January 21, 2018, SHARLETT MARTINEZ withdrew approximately \$20,000 from her account in \$20 denominations.

305. DEA agents confirmed SHARLETT MARTINEZ was, in fact, the manager of

Wells Fargo Branch #5568 in Las Vegas, New Mexico, and both SHARLETT MARTINEZ and ROBERT PADILLA had checking accounts at that branch. Additionally, ROBERT PADILLA's business account, identified as "Padilla's Septic," was also located at that Wells Fargo branch. I learned from DEA case agents that Padilla's Septic was a defunct business.

306. Between October 2018, and April 2019, the DEA obtained court authorized wiretaps on five separate telephone lines utilized by ROBERT PADILLA, as well as ROBERT PADILLA's Comcast Xfinity Camera System that was installed at his residence in Albuquerque. DEA agents also intercepted three telephone lines utilized by ROBERT PADILLA's suspected drug sources of supply, and a telephone line utilized by another member of the PADILLA DTO.

307. On August 6, 2019, DEA agents obtained an arrest warrant for ROBERT PADILLA for distribution of cocaine.

308. On August 12, 2019, DEA agents executed a seizure warrant on ROBERT PADILLA's 2008 GMC Yukon XL, which had been parked at his residence in Albuquerque. Inside the vehicle, DEA agents seized a loaded Glock 9mm magazine and a significant amount of ammunition in varying calibers (.45, .223 and 9mm).

309. On August 15, 2019, DEA agents executed search warrants on two Albuquerque residences tied to ROBERT PADILLA and seized three loaded handguns.

310. All three pistols associated with ROBERT PADILLA have been sent to the FBI laboratory for DNA examination and processing.

311. On August 30, 2019, DEA agents arrested ROBERT PADILLA's cocaine source of supply in Albuquerque. The DEA had previously identified the source of supply through wire interception and surveillance.

312. As I previously mentioned, the USAO and DEA intend to charge ROBERT PADILLA and several members of his DTO with drug trafficking and/or money laundering violations within the next few days.

313. The FBI Investigation: My investigation of the PADILLA DTO started shortly after the July 22, 2019, murder of former SNM leader LEROY LUCERO, aka: "SMURF," in Las Vegas. An eye-witness to the shooting identified ROBERT PADILLA and GARY COCA as the two individuals who shot LEROY LUCERO. FBI agents were alerted to the shooting of LEROY LUCERO by multiple sources, to include LEROY LUCERO's wife and attorney.

314. FBI agents learned of the historical nature of the DEA's investigation into the PADILLA DTO and began working with DEA case agents.

315. As I indicated earlier, sixteen CHS were utilized by the FBI in this investigation. Additional CHS from the DEA and LVPD assisted in the investigation. I have spoken with several CHS regarding LEROY LUCERO and learned LEROY LUCERO had kept secret the fact he had testified against the SNM. In fact, all of the CHS who had knowledge of LEROY LUCERO's activities prior to his death, reported LEROY LUCERO acted as if he were still a member of the SNM. I believe this a significant issue, as LEROY LUCERO was responsible for recruiting and mentoring the majority of the SNM members in the Las Vegas area, to include LARRY R. MARTINEZ, aka: "PSYCHO," JOHN F. SALAZAR, aka: "STONER," DAVID H. ULIBARRY, aka:

“RISKY,” GEORGE A. SENA, aka: “G DOGG,” and DEREK ANDRADE, aka: “TOKER.” This is particularly concerning to me, as I sat through SNM motions hearings and a jury trial in which LEROY LUCERO testified against numerous SNM defendants.

316. During LEROY LUCERO’s trial testimony, other witnesses were excluded from the courtroom; however, numerous SNM defendants were present and were undoubtedly noting which members were cooperating with the government. LEROY LUCERO and his attorney knew and communicated with the FBI the grave threat he faced, due to his having testified against his fellow gang members.<sup>25</sup>

317. Due to SNM rules, LARRY R. MARTINEZ, JOHN F. SALAZAR, DAVID H. ULIBARRY, GEORGE A. SENA, DEREK ANDRADE, and/or any other SNM member brought into the gang would be responsible for killing LEROY LUCERO for his cooperation with the FBI.

318. During the course of the FBI investigation, several CHS reported on ROBERT PADILLA’s business relationship with the SNM and other criminal groups, which I believe was further corroborated by the DEA investigations into the PADILLA DTO.

319. CHS-15 and CHS-16 are former members of the PADILLA DTO and shared extensive details on the day-to-day operations of the DTO. CHS-16 reported LEROY LUCERO was selling heroin and had been sourced by ROBERT PADILLA personally. CHS-16 told me ROBERT PADILLA feared LEROY LUCERO due to his affiliation with the SNM, “but needed Smurf and the SNMers to handle business.”

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<sup>25</sup> The FBI provided LEROY LUCERO with sufficient funding to move from the area; however, it seems LEROY LUCERO never moved, or moved back to Las Vegas, New Mexico, after some time had gone by.

320. CHS-15 and CHS-16 reported the PADILLA DTO provided controlled substances to SNM members LEROY LUCERO, JOHN MONTANO, LARRY R. MARTINEZ, JOHN F. SALAZAR and GEORGE A. SENA. Those SNM members made money off the sale of the drugs and provided protection to ROBERT PADILLA.

321. CHS-16 reported ROBERT PADILLA began voicing concerns about LEROY LUCERO being an informant a few months ago. CHS-16 said ROBERT PADILLA had researched LEROY LUCERO's most recent federal conviction (felon in possession of a firearm) and believed LEROY LUCERO had done too little time on what ROBERT PADILLA described as "a case with a mandatory minimum sentence." ROBERT PADILLA was also suspicious about the fact LEROY LUCERO had not been "hit by the feds with the RICO," as so many other active SNM members had been arrested. CHS-16 said ROBERT PADILLA had confronted LEROY LUCERO about those two issues in recent months, but LEROY LUCERO always "talked shit back at Robert, and told Robert there was paperwork on him (Robert) from back in 2000." CHS-16 said LEROY LUCERO was always armed, as were ROBERT PADILLA and his right-hand-man GARY COCA, so things were "always kinda tense when those guys got together."

322. Despite the apparent mistrust between LEROY LUCERO and ROBERT PADILLA, the two men worked together to support the mutual goals of their respective organizations – the primary goal being the sale of drugs in the Las Vegas area.

323. With regard to PADILLA DTO member GARY COCA, I am aware through multiple CHS reports GARY COCA grew up with ROBERT PADILLA in Las Vegas and the two men are very close. Multiple CHS reported GARY COCA was one of ROBERT PADILLA's right-hand-men and would often "put in work" for ROBERT PADILLA. The other consistent information I received from CHS about GARY COCA was that "he always has a gun." I am aware of a few recent incidents in which GARY COCA was believed to have been armed with a firearm.

324. In May 2, 2019, GARY COCA fled from LVPD officers during a traffic stop. GARY COCA and a passenger in his vehicle subsequently fled on foot, at which time GARY COCA discarded his jacket. A backpack was also found alongside the foot pursuit route. LVPD officers found approximately 13.5 grams of crack cocaine and a digital scale inside GARY COCA's jacket and a loaded handgun inside the backpack. GARY COCA was able to successfully escape pursuing officers.

325. In August 2019, LVPD officers attempted to contact GARY COCA as he parked his vehicle in front of his residence. GARY COCA fled on foot and escaped. LVPD officers observed drug paraphernalia inside GARY COCA's vehicle and executed a search warrant on it; inside they found heroin, drug paraphernalia and a loaded .45 caliber pistol.

326. GARY COCA has been charged by the San Miguel County District Attorney's Office with the July 16, 2019, shooting of CHRISTOPHER MONTOYA, aka: "BUZZY," which occurred in front of the residence of PADILLA DTO member REBECCA DURAN, aka: "REBECCA GALLEGOS." The motivation for the shooting is still unclear; however, multiple CHS reported CHRISTOPHER

MONTOYA owed the PADILLA DTO money.

327. FBI agents intend to arrest GARY COCA and charge him via a criminal complaint (Case No. 19mj3023) with possession with intent to distribute cocaine, based on the May 2, 2019, incident in Las Vegas and a Hobbs Act robbery, based on an August 2019 incident in Albuquerque.

328. VCTF and SSGTF agents have been monitoring several additional SNM and PADILLA DTO members and associates, to include LARRY MARTINEZ, JOHN F. SALAZAR, GEORGE SENA, AMANDA SILVA, LUIS SANCHEZ, MARCOS RUIZ, ARTURO RUIZ, GILBERT ARAGON, REBECCA DURAN and TIMOTHY ORTEGA.

329. Prior to the murder of LEROY LUCERO, CHS-3 heard rumors about LEROY LUCERO and another Las Vegas SNM member being snitches. CHS-3 said he heard the rumors from ROBERT PADILLA and members of the PADILLA DTO. CHS-3 said the rumors also made it to SNM members LARRY MARTINEZ and JOHN F. SALAZAR, who started conspiring with other SNM members to murder LEROY LUCERO and other potential government witnesses.

330. I am aware LARRY MARTINEZ made at least one recent attempt to assault a government witness with a knife. Fortunately for the government witness, whom I will refer to as WITNESS-1, the assault was curtailed when WITNESS-1 produced a pistol and threatened to shoot LARRY MARTINEZ. LARRY MARTINEZ departed the location and told WITNESS-1, "I'll be seeing you around" and ran two fingers

across his (MARTINEZ') neck in a slicing gesture. WITNESS-1 told LARRY MARTINEZ WITNESS-1 would shoot him in the face if he saw him again.<sup>26</sup>

331. CHS-3, CHS-14, CHS-15 and CHS-16 reported LARRY MARTINEZ was in possession of a firearm and selling drugs for the PADILLA DTO.

332. CHS-14 and CHS-15 each observed LARRY MARTINEZ to be in possession of a firearm in the past five days, and CHS-15 spoke with LARRY MARTINEZ about purchasing heroin. LARRY MARTINEZ told CHS-15 to call him "whenever" CHS-15 wanted to "score some chiva."

333. With regard to JOHN F. SALAZAR, multiple CHS reported seeing him with ROBERT PADILLA in the days prior to the murder of LEROY LUCERO. Several CHS described JOHN F. SALAZAR as a close confidant of ROBERT PADILLA and CHS-14 and CHS-15 said JOHN F. SALAZAR had been transporting drugs from Albuquerque to Las Vegas for ROBERT PADILLA. Both CHS also said JOHN F. SALAZAR often stayed in Albuquerque, where his wife was presently residing. CHS-16 said JOHN F. SALAZAR and other SNM members provided protection and drug debt collection services for the PADILLA DTO.

334. I am aware that as recently as last year, JOHN F. SALAZAR and SNM member JEROMY VASQUEZ, aka: "JOKER" went to the Las Vegas residence of ALBERT HERRERA (who was on federal probation for armed drug trafficking) armed with a firearm. The SNM members aimed to confront ALBERT HERRERA concerning a drug debt, which resulted in a vehicle having been torched in an early morning fire. The exact circumstances are unknown, but a shootout ensued in front of ALBERT

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<sup>26</sup> WITNESS-1 is a convicted felon, and I advised WITNESS-1 of the federal penalties for being a felon in possession of a firearm or ammunition.

HERRERA's house, and JEROMY VASQUEZ was killed. LVPD found a handgun on JEROMY VASQUEZ and subsequently executed a search warrant on ALBERT HERRERA's home. Detectives recovered a loaded AK-47 magazine and drug paraphernalia. ALBERT HERRERA was not home at the time and was not charged in the incident.

335. Within the past five days, CHS-15 spoke with JOHN F. SALAZAR and learned JOHN F. SALAZAR was "bringing some shit (drugs) up from Burque (Albuquerque)" later in the week and told CHS-15 to call him in a few days and he would have heroin and methamphetamine to sell to CHS-15.

336. CHS-3, CHS-12, CHS-14, CHS-15 and CHS-16 reported GEORGE A. SENA was selling controlled substances for the PADILLA DTO and often worked with fellow PADILLA DTO member AMANDA SILVA. By way of background, AMANDA SILVA is the widow of SNM member JEROMY VASQUEZ. According to CHS-3 and CHS-12, both of whom are members of the SNM, GEORGE A. SENA had also robbed several street level heroin dealers to "feed his heroin addiction." CHS-3 reported GEORGE A. SENA always carried a black 9mm pistol in his waistband and had used the gun during a couple of recent robberies.

337. In late August 2019, VCTF agents conducted surveillance on GEORGE A. SENA and observed him travel to AMANDA SILVA's residence, where he remained for approximately three minutes. GEORGE A. SENA employed several counter surveillance driving techniques during his travel to and from AMANDA SILVA's house, to include rapid speed variation, abrupt turns onto side streets, and he circled around different blocks 2-3 times while scrutinizing surrounding vehicles.

338. On August 28, 2019, GEORGE A. SENA A. reported to LVPD an unknown person(s) fired multiple gunshots in front of his house. LVPD officers responded to the area and located spent shell casings in the street, near GEORGE A. SENA's residence.

339. I am aware GEORGE A. SENA is the subject of an active investigation in San Miguel County for possession with intent to distribute heroin.

340. Within the past three days, CHS-14 confirmed GEORGE A. SENA had heroin and cocaine for sale.

341. In addition to agents observing GEORGE A. SENA visiting AMANDA SILVA's house, multiple CHS reported AMANDA SILVA was a significant distributor for the PADILLA DTO and close friend of ROBERT PADILLA. I am aware DEA wire interception on ROBERT PADILLA's cellular telephones early this year indicated AMANDA SILVA was selling fentanyl tablets and other controlled substances from her residence in Las Vegas. AMANDA SILVA is also believed to be armed - a notion that is supported by CHS information and the fact she holds a concealed carry permit with the State of New Mexico.

342. CHS-14 knew AMANDA SILVA to supply several "drug houses" on Chavez Street in Las Vegas. CHS-14 knew AMANDA SILVA to carry a handgun when she delivered drugs to protect herself and her product. CHS-14 identified several street-level dealers that sold for AMANDA SILVA.

343. CHS-14 spoke with AMANDA SILVA within the past three days and confirmed she had fentanyl tablets and cocaine for sale. AMANDA SILVA said she would be receiving several ounces of methamphetamine in the coming days.

344. I am aware the USAO and DEA intend to charge AMANDA SILVA with federal drug trafficking violations within the next few days.

345. Another joint FBI-DEA target subject has been LUIS SANCHEZ, who is believed to be a mid-level distributor within the PADILLA DTO. Through the interception of wire communications of ROBERT PADILLA's cellular telephones, DEA agents learned LUIS SANCHEZ was very aggressive, with violent tendencies, and was suspected of possessing firearms.

346. On October 17, 2018, DEA agents intercepted an outgoing telephone conversation between LUIS SANCHEZ and ROBERT PADILLA, in which LUIS SANCHEZ said he was outside an individual's house who owed \$700. LUIS SANCHEZ went on to say he had a gun and was going to go inside, collect his money, and shoot the individual. ROBERT PADILLA told LUIS SANCHEZ not to do anything crazy and LUIS SANCHEZ departed the location.

347. I am aware LUIS SANCHEZ is a suspect in a November 2018, drive-by shooting in Las Vegas, in which was captured on home surveillance cameras and further verified by the fact LUIS SANCHEZ, was wearing a GPS ankle monitor at the time, a condition of his state parole terms.

348. In February 2019, LVPD detectives reviewed a jail call in which LUIS SANCHEZ discussed having a firearm at his residence and referenced someone wanting to shoot "CRUZITO," who would subsequently be murdered in June 2019 in Las Vegas. Based on the content of the phone call, LVPD and San Miguel County Sheriff's Office personnel executed a search warrant LUIS SANCHEZ' residence. Following a lengthy call-out and delay by the occupants, LUIS SANCHEZ and his

brother exited the residence and were detained. Officers located a .380 caliber pistol inside a washing machine, with wet clothing. Officers also located several items of drug paraphernalia, to include pay-and-owe sheets, and ammunition for an AK-47 or SKS rifle

349. CHS-15 sold controlled substances with and for LUIS SANCHEZ in the past and knows LUIS SANCHEZ to store contraband inside his (LUIS SANCHEZ's) mother's house. CHS-15 reported LUIS SANCHEZ started storing drugs in his mother's house after complaining parole or pretrial services officers sometimes showed up at his house unannounced. CHS-15 described LUIS SANCHEZ as having unencumbered access to his mother's house.

350. Within the past ten days, CHS-15 inquired about the location and status of ROBERT PADILLA. LUIS SANCHEZ told CHS-15 that ROBERT PADILLA was still around and "doing his thing." LUIS SANCHEZ told CHS-15 that ROBERT PADILLA was wanted by the DEA and they (the DEA) had seized a few of his cars and raided his house.

351. As I indicated earlier, in August 2019, FBI agents obtained an arrest warrant charging LUIS SANCHEZ with being a felon in possession of a firearm, Case No. 19mj2664. I understand the USAO and DEA intend to charge LUIS SANCHEZ and other members of the PADILLA DTO with drug trafficking charges within the next few days.

352. CHS information and DEA wiretaps indicated MARCOS RUIZ has distributed drugs for ROBERT PADILLA for the past few years and is believed to be ROBERT PADILLA's "right-hand man."

353. MARCOS RUIZ is the suspect in the June 2019, murder of CRUZ MARTIN GALLEGOS, aka: "CRUZITO."

354. MARCOS RUIZ is the suspect in the August 3, 2019 double shooting of GILBERT MONTOYA and MARCUS CARRILLO. The shooting took place at MARCOS RUIZ' residence and MARCUS CARRILLO died as a result of the shooting.

355. ARTURO RUIZ, the brother of MARCOS RUIZ, is a former member of the Los Carnales prison gang and completed the NMCD gang dropout program. According to multiple sources, as well as ARTURO RUIZ' recent arrest history, ARTURO RUIZ assumed a criminal role in the community upon his release from prison. Multiple CHS reported ARTURO RUIZ is a member of the PADILLA DTO.

356. ARTURO RUIZ was arrested by LVPD officers in July 2019, after officers heard him broadcasting random and unauthorized transmissions over a police radio frequency. The transmissions pertained to ARTURO RUIZ discussing the location of car keys, his not being able to find his hypodermic needle and his unlawful possession of a gun. Officers responded to the RUIZ residence and observed ARTURO RUIZ, who they knew to have an outstanding arrest warrant. The officers observed ARTURO RUIZ inside a van and heard him say over the radio, "Mom, there's the narcos, go faster because I have the gun." Needless to say, the officers conducted a traffic stop on the vehicle and discovered ARTURO RUIZ to be in possession of a police radio and a loaded Springfield XD .40 caliber semi-automatic pistol. ARTURO RUIZ was arrested.

357. I am aware ARTURO RUIZ is a suspect in the June 2019, murder of CRUZ

MARTIN GALLEGOS, aka: "CRUZITO."

358. GILBERT ARAGON is a suspected member of the PADILLA DTO, as are several members of his family – some of whom were intercepted on 2018-2019 DEA wiretaps. CHS-12 and CHS-15 reported GILBERT ARAGON sold crack cocaine, heroin, and methamphetamine from his residence. CHS-12 and CHS-15 knew GILBERT ARAGON to employ several drug users in his neighborhood to keep an eye out for law enforcement. GILBERT ARAGON paid his look-outs with drugs. CHS-15 reported GILBERT ARAGON provided drugs to his mother and aunt, both of whom sold drugs, from their residences, to other people on a regular basis. CHS-15 reported GILBERT ARAGON's aunt, RUBY ARAGON, also kept a revolver inside her home (the DEA intend to serve a search warrant on RUBY ARAGON's residence pursuant to their investigation of the PADILLA DTO).

359. CHS-3 reported GILBERT ARAGON kept drugs in a secret location in the hills behind his house. CHS-3 said GILBERT ARAGON often drove an All-Terrain Vehicle, from his residence, to his hiding spot in the hills to retrieve drugs. CHS-3 said GILBERT ARAGON did this because he had been the subject of past DEA investigations and recently discovered local narcotics agents had been buying drugs from some of his (GILBERT ARAGON's) "people." CHS-3 knew GILBERT ARAGON to keep firearms inside his residence.

360. I noticed GILBERT ARAGON was a defendant in a second federal drug trafficking case in 2012; (12CR1909-JB) however, the U.S. Attorney's Office dismissed the charges after several defendants pled guilty. Court filings and media

reports regarding the incident indicated a rogue DEA informant may have been the cause of the dismissals.

361. VCTF agents have conducted surveillance on GILBERT ARAGON's residence on numerous occasions in August and September 2019, and noted consistent foot, bicycle, and vehicle traffic to his residence. The traffic is frequent, short in duration, and the persons coming and going from the residence appear to be very mindful of the vehicles around them. On at least three occasions, VCTF agents followed people leaving GILBERT ARAGON's house and observed the various people scrutinize the surveillance agents and their vehicles. All three motorists made cell phone calls shortly thereafter and employed counter-surveillance driving techniques to include: rapid speed variation, abrupt turns onto side streets, and one driver parked on the side of the road and watched nearby vehicles, while two other drivers made a series of U-turns that resulted in the drivers travelling in the direction they had just traversed.

362. Within the past three days, CHS-15 contacted GILBERT ARAGON and confirmed he had cocaine, heroin and methamphetamine for sale.

363. CHS-3, CHS-12, CHS-13, CHS-14, CHS-15 and CHS-16 identified REBECCA DURAN, aka: "REBECCA GALLEGOS," and her 15-year old son JUAN GALLEGOS, aka: "JUANITO," as members of the PADILLA DTO. I am aware JUAN GALLEGOS lived with ROBERT PADILLA in Albuquerque for some time and served as his guardian while REBECCA DURAN was in jail. CHS-15 has obtained controlled substances from REBECCA DURAN on numerous occasions within the past year. CHS-14, CHS-15 and CHS-16 reported JUAN GALLEGOS sometimes delivered drugs for REBECCA DURAN.

364. JUAN GALLEGOS' probation officer related to me she believed JUAN GALLEGOS to be in possession of a handgun.

365. CHS-15 reported JUAN GALLEGOS kept a stolen AR-15 in his bedroom and was concerned people were after him. CHS-15 said JUAN GALLEGOS mentioned some friends of "BUZZY" (CHRISTOPHER MONTOYA) were after him. CHS-15 believed the situation with CHRISTOPHER MONTOYA had something to do with the fact CHRISTOPHER MONTOYA was shot at, or near, REBECCA DURAN's house on July 16, 2019. CHS-15 said JUAN GALLEGOS was also paranoid about people trying to "rob his stash" (of heroin and crack cocaine) and took his AR-15 into the bathroom when he showered and kept it on his bed when he slept.

366. Following the July 22, 2019 murder of LEROY LUCERO, REBECCA DURAN sent a cell phone video of a bloody LEROY LUCERO, apparently deceased and on the ground, to WITNESS-1 with a message indicating WITNESS-1 "could be next."

367. CHS-13, CHS-14, and CHS-15 reported REBECCA DURAN worked at a fast-food restaurant in Las Vegas and sometimes sold controlled substances from the drive-thru window of the restaurant.

368. In August 2019, FBI VCTF and NMSP agents conducted surveillance on REBECCA DURAN's residence and observed a person park in her driveway and approach the front door. The person knocked and engaged in a hand-to-hand transaction with a person inside the home. The person then departed the location in their vehicle, having only been there a total of about 90 seconds. VCTF agents followed the person and requested a uniformed NMSP officer stop the vehicle so agents could conduct a drug investigation. The vehicle was stopped and agents

located heroin inside the vehicle. The person was interviewed and admitted they had just purchased heroin from REBECCA DURAN at her (REBECCA DURAN's residence).

369. In early September 2019, REBECCA DURAN was evicted from her mobile home park due to the shooting of July 2019 shooting of CHRISTOPHER MONTOYA outside her residence. REBECCA DURAN told staff at the San Miguel County District Attorney's Office she moved to Mora, New Mexico, with her mother. REBECCA DURAN told juvenile probation officers she and her son were living with a friend in a mobile home in Las Vegas.

370. On September 9, 2019, VCTF agents attempted to follow REBECCA DURAN from the Las Vegas probation/parole office; however, she failed to show for her scheduled appointment.

371. REBECCA DURAN is a witness in a felony case being prosecuted by the San Miguel County District Attorney's Office and notified the assigned prosecutor, on September 6, 2019, she had been evicted and moved back in with her mother in Mora, New Mexico. REBECCA DURAN's mother's residence was REBECCA DURAN's residence of record with NMCD in May, 2019.

372. Within the past 3-days, CHS-15 spoke with REBECCA DURAN and confirmed she had methamphetamine and heroin for sale. REBECCA DURAN said she kept both drugs with her, and at home, but did not tell CHS-15 where she was living. REBECCA DURAN told CHS-15 to call her whenever CHS-15 was ready.

373. CHS-3, CHS-12, CHS-14, CHS-15 and CHS-16 reported TIMOTHY ORETEGA was a member of the PADILLA DTO and an associate of the SNM. I have reviewed

2018-2019 DEA wiretap summaries and reports containing pertinent telephone calls on telephone lines utilized by members of the PADILLA DTO, in which TIMOTHY ORTEGA was a participant in drug trafficking activities. I noted TIMOTHY ORTEGA participated in suspected drug deals involving quantities worth “6 or 7 racks,” which I know to be \$6,000-\$7,000. I am aware methamphetamine in New Mexico has sold for as low as \$4,000-\$6,000 a pound.

374. CHS-3 and CHS-12 obtained methamphetamine from TIMOTHY ORTEGA on multiple occasions in the past and knew him to be sourced by ROBERT PADILLA. CHS-3 and CHS-12 each used their position within the SNM to help TIMOTHY ORTEGA collect drug debts and intimidate people who had outstanding balances with TIMOTHY ORTEGA.

375. CHS-14, CHS-15 and CHS-16 knew TIMOTHY ORTEGA to supply the majority of the lower-level methamphetamine dealers around the smaller towns and villages of Wagon Mound, Colmor, Springer, Ocate, Mora, and Chacon, New Mexico.

376. CHS-14 reported a lot of people from Las Vegas stopped dealing with TIMOTHY ORTEGA because he was always pulling guns on people and “really aggressive and in your face” during drug deals.

377. Within the past five days, CHS-15 accompanied another person, who I shall refer to as the UNWITTING SOURCE, to TIMOTHY ORTEGA’s residence to purchase an amount of methamphetamine. CHS-15 observed the UNWITTING SOURCE purchase methamphetamine from TIMOTHY ORTEGA. CHS-15 observed TIMOTHY ORTEGA to have at least two large plastic sandwich bags full of a substance TIMOTHY ORTEGA represented as methamphetamine. TIMOTHY

ORTEGA also had a digital scale and used the scale during the transaction with the UNWITTING SOURCE. CHS-15 observed a rifle and a shotgun next to a table TIMOTHY ORTEGA sat at while conducted the drug transaction.

378. As I previously mentioned, several PADILLA DTO members will be arrested by the DEA, while others will be arrested by the FBI. The overall operation targeting the Target Subjects is being closely coordinated.

379. ROBERT PADILLA is currently being sought by the USMS on a U.S. District Court arrest warrant for distribution of controlled substances. Multiple CHS reported ROBERT PADILLA is aware of the fact he is wanted and dumped all of his cellular telephones, and is keeping a low profile. For example, JOSEPH EVENSON, aka: "JOE LEYBA," who was a Target Subject in this investigation, and a close friend of ROBERT PADILLA, died on August 24, 2019. JOSEPH EVENSON's death was apparently due to an overdose. At the time of his death, JOSEPH EVENSON was staying at one of ROBERT PADILLA's residences in Las Vegas and driving a vehicle owned by ROBERT PADILLA. Case agents and CHS expected ROBERT PADILLA to appear at the residence, recover the vehicle, or attend JOSEPH EVENSON's funeral; however, ROBERT PADILLA was not observed at the residence or funeral.

380. Within the past five days, CHS-11 reported ROBERT PADILLA has been staying at LUIS SANCHEZ's mother's house, which is located on the same property as LUIS SANCHEZ's mobile home.

381. Within the past 24-hours, CHS-14 reported ROBERT PADILLA was at LUIS SANCEHZ' house.

382. On September 9, 2019, I spoke with the DEA case agent investigating the PADILLA DTO and learned a DEA CHS had spoken with ROBERT PADILLA within the past two days and the DEA CHS reported ROBERT PADILLA was in Las Vegas, New Mexico. ROBERT PADILLA also told the DEA CHS the police had returned his vehicles to him (DEA seized ROBERT PADILLA's vehicle and had not returned it) and everything was good. ROBERT PADILLA also discussed selling drugs to the DEA CHS.

**D. Murders and Attempted Murders in Aid of Racketeering in Las Vegas, NM**

383. I believe the SNM to be an ultra-violent organization, with a violent reputation established through decades of murder and bedlam. Other gangs and DTOs often work with the SNM to enhance their illicit profits, kill or intimidate witnesses, distribute controlled substances, collect proceeds, punish those who steal from the organization, intimidate adversaries and even steal drugs or proceeds. I frequently observed such misconduct over the course of my investigation of the SNM.

384. Based on my investigation, I believe ROBERT PADILLA and several members of his DTO have assisted the SNM by committing violent crimes in furtherance, or at the direction of, the SNM. I am aware VICAR (18 U.S.C. § 1959) does not require the defendants commit a "pattern of racketeering activity" but instead requires that the enterprise engaged in racketeering activity. In other words, it may not be necessary to prove members of the PADILLA DTO were also members of the SNM. Rather, PADILLA DTO members may be complete outsiders who were hired by the enterprise to commit an underlying crime of violence for the purpose "of assisting

another person to gain entrance or maintain or increase his position in the charged enterprise" (18 U.S.C. § 1959).

385. Similarly, with regard to the RICO conspiracy, I am aware a defendant need not personally commit or agree to commit two predicate acts of racketeering to be found guilty of a conspiracy to commit a RICO violation.

386. Through the combined investigative efforts of the FBI, DEA, NMSP, LVPD and the San Miguel County District Attorney's Office, I believe a number of common threads exist between the SNM and PADILLA DTO, particularly with regard to a series of recent homicides and attempted murders in Las Vegas.

387. I detail some of the recent VICAR incidents the FBI is currently examining, with the assistance of the DEA and state and local detectives:

388. **The Shooting Death of Jeromy Vasquez, aka: Joker:** On July 21, 2018, SNM members JEROMY VASQUEZ, aka: "JOKER," and JOHN F. SALAZAR, aka: "STONER," went to the residence of federal probationer ALBERT HERRERA, who was on supervision for drug distribution and possession of a firearm in furtherance of a drug trafficking crime. CHS reporting indicated ALBERT HERRERA was in a romantic relationship with JEROMY VASQUEZ' wife, AMANDA SILVA (a Target Subject) and had run afoul of the PADILLA DTO. The conflict escalated and someone set JEROMY VASQUEZ' car on fire earlier in the morning. JEROMY VASQUEZ suspected ALBERT HERRERA torched his car. However, two CHS reported LEROY LUCERO, aka: "SMURF," was responsible for setting the car on fire based on orders from ROBERT PADILLA.

389. Irrespective of the backstory, JEROMY VASQUEZ and JOHN F. SALAZAR went to ALBERT HERRERA's residence. JEROMY VASQUEZ was armed with a loaded pistol and confronted ALBERT HERRERA. ALBERT HERRERA produced an AK-47 rifle and the two men engaged in a shoot-out in front of ALBERT HERRERA's house. JEROMY VASQUEZ was killed in the shoot-out and ALBERT HERRERA fled the scene. JOHN F. SALAZAR provided a confusing and contradictory statement to the police when they arrived. LVPD detectives subsequently executed a search warrant on ALBERT HERRERA's residence and located a loaded AK-47 magazine and drug paraphernalia. ALBERT HERRERA was not charged as a result of the shooting.

390. **Drive-By Shooting:** On November 22, 2018, LUIS SANCHEZ, aka: "PAYASO" conducted a drive-shooting of a residence in Las Vegas. LUIS SANCHEZ was determined to be the suspect in the drive-by shooting due to the unique vehicle he drove (a black Hummer with black rims), and the incident was also captured on home surveillance camera. LVPD detectives subsequently located a stolen Glock pistol and ammunition inside LUIS SANCHEZ's vehicle and his state parole issued GPS ankle monitor confirmed he was at the scene of the crime at the exact time of the shooting. LVPD detectives indicated the elderly woman and her two young grandchildren who were at the home at the time of the shooting were related to GILBERT MONTOYA (who would subsequently be shot by MARCOS RUIZ in August 2019). The elderly victim did not report the shooting right away, as the occupants of the vehicle yelled, "If you call the cops, we'll come back and kill you."

**391. The Murder of Cruz Gallegos:** On June 15, 2019, CRUZ MARTIN GALLEGOS, aka: “CRUZITO,” was murdered in Las Vegas. MARCOS RUIZ is the suspect in the murder of CRUZ MARTIN GALLEGOS. A witness to the incident, who I will refer to as WITNESS-2, was present during the shooting and identified MARCOS RUIZ, ARTURO RUIZ and JUAN GALLEGOS, aka: “JUANITO,” as having killed CRUZ MARTIN GALLEGOS. WITNESS-2 indicated the shooting death of CRUZ MARTIN GALLEGOS was the result of a drug dispute. The shooting occurred at MARCOS RUIZ’ mother’s house in Las Vegas.

392. CHS-3 reported MARCOS RUIZ killed CRUZ MARTIN GALLEGOS because CRUZ MARTIN GALLEGOS had stolen drugs from MARCOS RUIZ.

393. CHS-14 reported MARCOS RUIZ killed CRUZ MARTIN GALLEGOS because CRUZ MARTIN GALLEGOS had stolen \$70,000 worth of fentanyl tablets from MARCOS RUIZ and REBECCA DURAN, aka: “REBECCA GALLEGOS.”

394. CHS-3, CHS-10, CHS-12, CHS-14 and CHS-15 reported CRUZ MARTIN GALLEGOS was an SNM prospect. I am aware CRUZ MARTIN GALLEGOS’ father, was GLEN GREENIER, aka: “GATO,” a validated member of the SNM. GLEN GREENIER died from a drug overdose a few years ago. I understand MARCOS RUIZ may be associated to the GREENIER family through his current girlfriend, RHONDA GREENIER.

395. **The Attempted Murder of Christopher Montoya:** On July 16, 2019, CHRISTOPHER MONTOYA, aka: “BUZZY,” was shot by SNM prospect GARY COCA in front of REBECCA DURAN’s Las Vegas residence. GARY COCA and REBECCA DURAN are believed to be members of the ROBERT PADILLA DTO.

The motive for the shooting is unknown, however I believe it was drug-related based on the fact GARY COCA and REBECCA DURAN were members of the PADILLA DTO. GARY COCA has been charged with shooting CHRISTOPHER MONTOYA by the San Miguel County District Attorney.

396. **The Murder of Leroy Lucero:** On July 22, 2019, at about 11:30 p.m., former SNM leader LEROY LUCERO, aka: "SMURF," was shot and killed in the driveway of his residence in Las Vegas. As I previously mentioned, LEROY LUCERO testified in pretrial motion hearings and as a government witness during one of the government's lengthy RICO trials in Las Cruces, New Mexico. I was present, as the case agent, during the trial and believe LUCERO's testimony was a significant factor in the conviction of several SNM members.

397. An eye witness, who I will refer to as WITNESS-3, observed the shooting of LEROY LUCERO and related the following information to me, in summary: A vehicle pulled into LEROY LUCERO's driveway and honked its horn. LEROY LUCERO was seen a few seconds later in the driveway, speaking with the occupants of the vehicle. WITNESS-3 heard a gunshot and observed LEROY LUCERO walk away from the vehicle. WITNESS-3 observed GARY COCA and ROBERT PADILLA exit the vehicle with handguns. WITNESS-3 knows GARY COCA and ROBERT PADILLA from prior incidents. LEROY LUCERO walked and crawled toward his house and said, "They shot me, call the cops." LEROY LUCERO then fell down on the ground. GARY COCA and ROBERT PADILLA kept their guns pointed at LEROY LUCERO and walked toward him. Neighbors came outside, some with firearms, and asked what was going on. GARY COCA and ROBERT PADILLA

retreated to their vehicle and departed the location. WITNESS-3 believed MARCOS RUIZ may have been driving the vehicle.

398. Another eye witness to the shooting death of LEROY LUCERO was WITNESS-4, who gave a nearly identical account of the details provided by WITNESS-3. WITNESS-4 said GARY COCA and ROBERT PADILLA shot LEROY LUCERO and then fled in a black Honda sedan. WITNESS-4 identified GARY COCA as the driver of the vehicle and ROBERT PADILLA as the passenger. WITNESS-4 did not see MARCOS RUIZ at the scene or in the Honda.

399. Over the course of my investigation, I learned LEROY LUCERO had possessed a handgun before he was killed. I asked LEROY LUCERO's wife about the gun and she told me he had been carrying a gun with him. She also confirmed he had relapsed and was using heroin again. I requested Mrs. LUCERO provide me with LEROY LUCERO's pistol. Later that afternoon, Mrs. LUCERO met me at the NMSP office in Las Vegas and provided me with the pistol. I subsequently collected two spent casing from the firearm and submitted them to a NIBIN examination<sup>27</sup> to ensure the gun was not connected to any outstanding shootings. The gun was then placed in FBI evidence.

400. I am aware a firearm matching the general characteristics of the gun used to kill LEROY LUCERO was seized from a vehicle driven by GARY COCA. The firearm, two projectiles collected during an autopsy on LEROY LUCERO's body, and a DNA

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<sup>27</sup> In 1999, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) established the National Integrated Ballistic Information Network (NIBIN) to provide local, state and federal law enforcement partner agencies with an automated ballistic imaging network. NIBIN is the only national network that allows for the capture and comparison of ballistic evidence to aid in solving and preventing violent crimes involving firearms. Source: <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-national-integrated-ballistic-information-network>

buccal swab from GARY COCA have all been submitted to the APD crime laboratory for examination. The shooting death of LEROY LUCERO remains an active investigation.

**401. The Murder of Marcus “Mark” Carrillo and Attempted Murder of Gilbert Montoya:**

On August 3, 2019, Westside Locos street gang members GILBERT MONTOYA and MARCUS “MARK” CARRILLO were shot at the residence of MARCOS RUIZ. MARCUS CARRILLO died as a result of the shooting. When officers responded to the scene, they found MARCUS CARRILLO deceased inside the residence. GILBERT MONTOYA survived the shooting and was able to escape to his mother’s house, which was located nearby. GILBERT MONTOYA was covered in blood and told his mother MARCOS RUIZ had shot him. LVPD officers subsequently arrested MARCOS RUIZ in connection with the shootings and the San Miguel County District Attorney’s Office has charged him with murder and attempted murder. Multiple CHS reported MARCUS CARRILLO was related to CRUZ GALLEGOS, who was murdered on June 15, 2019, and the two homicides were related to MARCUS CARRILLO and CRUZ GALLEGOS having stolen drugs from the PADILLA DTO.

**XI. THE SUBJECT PREMISES:**

402. I have reviewed law enforcement databases, driver’s license information, vehicle registration records, NMCD files and other available commercial and law enforcement databases, and I believe the following Target Subjects are living at the specified locations (A-1 through A-20) listed below.

SUBJECT PREMISES	TARGET SUBJECT	ADDRESS OF SUBJECT PREMISES
A-1	LARRY MARTINEZ, aka: "PSYCHO"	225 Grand Avenue Las Vegas, New Mexico
A-2	JOHN F. SALAZAR, aka: "STONER"	1200 Commerce #8 Las Vegas, New Mexico
A-3	GEORGE A. SENA, aka: "G DOGG"	832 S. Pacific Street Las Vegas, New Mexico
A-4	LUIS SANCHEZ, aka: "PAYASO"	749 Dora Celeste Drive Las Vegas, New Mexico
A-5	REBECCA DURAN, aka "REBECCA GALLEGOS"	37 County Road AO35 Mora, New Mexico
A-6	GILBERT ARAGON, aka: "GEBO"	2321 Romero Street Las Vegas, New Mexico
A-7	AMANDA SILVA	221 New Mexico Avenue Las Vegas, New Mexico
A-8	VICTOR VILLALOBOS, aka: "EVIL"	2218 Miguel Chavez Rd, B7, #707 Santa Fe, New Mexico
A-9	FRANK CARABAJAL, aka: "STRANGER"	1123 Harrison Road Santa Fe, New Mexico
A-10	FRANKIE HERRERA, aka: "JOKER"	3345 Vista Del Prado Court Santa Fe, New Mexico
A-11	LEROY E. ROMERO, aka: "SWAMP"	41 County Road 0545 Española, New Mexico
A-12	DAVID M. VALDEZ, aka: "DAVESTER"	638C Fairview Lane, #C Española, New Mexico
A-13	LEOPOLDO SALAZAR, aka: "SUAVE"	576 County Road 001, Hernandez, New Mexico
A-14	GREG MONTOYA, aka: "JINX"	5606 Cleghorn Road NW Albuquerque, New Mexico
A-15	RAUL GUZMAN, aka: "SHOTGUN"	1328 Boatright Drive NE, Albuquerque, New Mexico
A-16	JOHNNY RAY GALLEGOS	1104 Mimbres Street SW, Albuquerque, New Mexico
A-17	DAVID CHAVEZ, aka: "WACKY"	2008 Nancy Street SW, Albuquerque, New Mexico
A-18	MICHELLE YVETTE MORALES	1214 Riner Court SW, Albuquerque, New Mexico
A-19	FRANCES MCALLISTER, aka: "FRANCES BACA"	14204 Sedrev Road NE, Albuquerque, New Mexico
A-20	TIMOTHY ORTEGA	800 Caliche Road Wagon Mound, New Mexico

403.       **Subject Premises A-1:** I believe LARRY MARTINEZ, aka: "PSYCHO," lives at Subject Premises A-1, located at 225 Grand Avenue, Las Vegas, New Mexico. Subject Premises A-1 may be described as a single-story residence, with pink siding, a blue metal roof, and black metal security bars over the front windows and door. There is a white brick structure, with black metal security doors, attached to the premises. There are several motion sensor lights and cameras affixed to the exterior of the residence. The letters "WSL" (Westside Locos) are spray painted on the southeast side of the residence. The front door faces north. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

404.       Indicia of Residence:

- a) LARRY MARTINEZ is on parole with the NMCD and the Subject Premises is his residence of record.
- b) LARRY MARTINEZ' valid New Mexico driver's license lists the Subject Premises as his residence.
- c) Multiple CHS have visited LARRY MARTINEZ at the Subject Premises in recent weeks.
- d) Official police records list the Subject Premises as his residence.
- e) Surveillance agents observed him at the Subject Premises.

1. **Subject Premises A-2:** I believe JOHN F. SALAZAR, aka: "STONER," lives at Subject Premises A-2, located at 1200 Commerce Street, #8, Las Vegas, New Mexico. Subject Premises A-2 may be described as a single wide mobile home, with white siding and gray and tan trim. The number "8" and name "Salazar" are posted on the north side of the trailer, near the driveway entrance to the premises. The front

door faces east. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

405.           Indicia of Residence:

- a) JOHN F. SALAZAR is on parole with the NMCD and the Subject Premises is his residence of record.
- b) JOHN F. SALAZAR's valid New Mexico driver's license lists the Subject Premises as his residence.
- c) A CHS visited him at the Subject Premises in recent weeks.
- d) Official police records list the Subject Premises as his residence.

406.           **Subject Premises A-3:** I believe GEORGE A. SENA, aka: "G DOGG," lives at Subject Premises A-3, located at 832 S. Pacific Street, Las Vegas, New Mexico. Subject Premises A-3 may be described as a single-story residence with brown siding, a red metal roof, and a white metal security door. The numbers "832" are posted next to the front door, which faces west. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

407.           Indicia of Residence:

- a) GEORGE A. SENA is on pretrial release with the San Miguel County District Attorney's Office and the Subject Premises is his residence of record.
- b) The Subject Premises was GEORGE A. SENA's residence of record when he was on supervised release with the NMCD.
- c) Multiple CHS have visited him at the Subject Premises in recent weeks.
- d) Official police records list the Subject Premises as his residence.
- e) Surveillance agents observed him at the Subject Premises.

408.           **Subject Premises A-4:** I believe LUIS SANCHEZ, aka: "PAYASO," lives at Subject Premises A-4, located at 749 Dora Celeste Drive, Las Vegas, New Mexico. Subject Premises A-4 may be described as a 1-acre lot with two residences, the primary residence is located at the north end of the property and is a 2-story home with tan siding and turquoise and white siding, with a red metal roof. The secondary structure is located on the southeast side of the property and may be described as a singlewide mobile home with tan siding and turquoise and tan trim. The rear of the property is enclosed with a wood fence. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

409.           Indicia of Residence:

- a) The primary residence (two-story house) belongs to LUIS SANCHEZ' mother and I believe she lives in the home. Although I do not believe LUIS SANCHEZ' mother is involved in distributing controlled substances, I do have reason to believe fugitive ROBERT PADILLA is hiding out in the home and LUIS SANCHEZ is storing drugs inside the home.
- b) The secondary residence (single wide mobile home) is LUIS SANCHEZ' residence and he is on pretrial release with the San Miguel County District Attorney's Office, with GPS monitoring.
- c) LUIS SANCHEZ listed the Subject Premises as his residence of record with San Miguel County pretrial services.
- d) Multiple CHS have visited him at the Subject Premises in recent weeks.
- e) Official police records list the Subject Premises as his residence.

f) The Subject Premises was LUIS SANCHEZ' residence of record when he was on supervised release with the NMCD.

410.       **Subject Premises A-5:** I believe REBECCA DURAN, aka "REBECCA GALLEGOS," lives at Subject Premises A-5, located at 37 County Road AO35, Mora, New Mexico. A-5 may be described as a single-story residence with white and brown siding and brown and blue trim. The numbers "37" and "Los Romeros" are posted at the entrance of the driveway. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

411.       Indicia of Residence:

- a) REBECCA DURAN was evicted from her former residence, located within the mobile home park at 2701 Las Vegas, New Mexico, within the past 7-10 days.
- b) REBECCA DURAN failed to report to a scheduled meeting with her probation officer on September 9, 2019.
- c) REBECCA DURAN is a witness in a felony case being prosecuted by the San Miguel County District Attorney's Office and notified the assigned prosecutor on or about September 6, 2019, she had been evicted and moved back in with her mother at Subject Premises A-5.
- d) Subject Premises A-5 is REBECCA DURAN's mother's residence and was REBECCA DURAN's residence of record with NMCD in May, 2019.

412.       **Subject Premises A-6:** I believe GILBERT ARAGON, aka: "GEBO," lives at Subject Premises A-6, located at 2321 Romero Street, Las Vegas, New Mexico. Subject Premises A-6 may be described as having two singlewide mobile homes and multiple outbuildings. The rear trailer is tan with white trim and a white

travel trailer is parked to the north of the rear mobile home. The front trailer is white with brown trim.

413.        Note: I believe the official address for Subject Premises A-6 may be 2317 Romero Street, Las Vegas, NM. I searched the San Miguel County, NM, Assessor's online records and was unable to locate an account or listing for 2321 Romero Street. I did locate 2317 Romero Street, account number M0709619, owner DOROTHY ARAGON, owner address 2701 7<sup>th</sup> Street, Las Vegas, NM. I recognized photographs and a sketch of the property to be the mobile home on the front (east) end of the property. There are two mailboxes located in front of the Subject Premises, with addresses 2317 and 2321. The numbers on the mailbox post for 2321 are very faded.

414.        I believe GILBERT ARAGON lives at the Subject Premises, in the rear (west) mobile home, and have observed his Jeep parked there on multiple occasions in August and September, 2019. I believe GILBERT ARAGON's mother, DOROTHY ARAGON lives in the front (east) mobile home.

415.        Regardless of the actual/legal address, I have included color photographs and an aerial depiction of the Subject Premises, which have been attached and incorporated in Attachment A.

416.        Indicia of Residence:

- a) DOROTHY ARAGON is believed to reside in the front mobile home and I have reason to believe she is selling controlled substances from the residence.
- b) GILBERT ARAGON is believed to reside in the rear mobile home.
- c) Surveillance agents have observed GILBERT ARAGON at the Subject Premises on multiple occasions in August and September 2019.

- d) LVPD detectives and multiple CHS reported GILBERT ARAGON lives at the Subject Premises in the rear mobile home, and his mother lives in the front mobile home. The same CHS reported both AROGONS sell drugs from the Subject Premises.
- e) Official police records list the Subject Premises as GILBERT ARAGON's residence.
- f) San Miguel County Assessor's Office quick claim deed #R0017980 lists DOROTHY AND GILBERT ARAGON as residing at 2317 Romero Street, Las Vegas, NM.

417.       **Subject Premises A-7:** I believe AMANDA SILVA lives at Subject Premises A-7, located at 221 New Mexico Avenue, Las Vegas, New Mexico. Subject Premises A-7 may be described as a two-story residence with tan and brown siding. Much of the structure appears to have been built around a singlewide mobile home, which is tan and brown in color. The primary door to the residence is located on the west side of the premises and consists of two metal security screen doors over a glass front door. There are several cameras and motion sensor lights located around the various structures. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

418.       **Indicia of Residence:**

- a) AMANDA SILVA's valid New Mexico driver's license lists the Subject Premises as her residence.
- b) Multiple CHS have visited her at the Subject Premises in recent weeks.
- c) Official police records list the Subject Premises as her residence.

d) Surveillance agents have observed AMANDA SILVA at the Subject Premises on multiple occasions in August and September 2019.

419.         **Subject Premises A-8:** I believe VICTOR VILLALOBOS, aka: "EVIL," lives at Subject Premises A-8, located at 2218 Miguel Chavez Rd, B7, #707, Santa Fe, New Mexico. Subject Premises A-8 may be described as a two-story apartment complex, with tan stucco siding and red trim. There is a sign at the entrance to the apartment complex that reads, "2218 Tuscany at St Francis Apartments." Building number 7 is labelled "7, 701-708" and apartment number "707" is posted on the front door of the Subject Premises. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

420.         **Indicia of Residence:**

- a) VICTOR VILLALOBOS is on federal supervised release with the USPO and Subject Premises is his residence of record.
- b) Surveillance agents observed VICTOR VILLALOBOS at the Subject Premises on various occasions in August and September 2019.
- c) CHS have visited VICTOR VILLALOBOS at the Subject Premises in recent weeks.

421.         **Subject Premises A-9:** I believe FRANK CARABAJAL, aka: "STRANGER," lives at Subject Premises A-9, located at 1123 Harrison Road, Santa Fe, New Mexico. Subject Premises A-9 may be described as a singlewide mobile home with brown siding, white and red trim, and a metal roof. There is a chain link fence located on either side of the driveway. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

422. Indicia of Residence:

- a) FRANK CARABAJAL is on state parole and the Subject Premises is his residence of record.
- b) Official police records list the Subject Premises as his residence.
- c) Multiple CHS have visited him at the Subject Premises in recent weeks.

423. **Subject Premises A-10:** I believe FRANKIE HERRERA, aka: "JOKER," lives at Subject Premises A-10, located at 3345 Vista Del Prado Court, Santa Fe, New Mexico. Subject Premises A-10 may be described as a single-story residence, with tan siding, white trim and a flat roof. The Subject Premises shares common walls with residences on either side of it. The numbers "3345" are posted next to the garage door. The front door is brown in color. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

424. Indicia of Residence:

- a) FRANKIE HERRERA is on state parole and the Subject Premises is his residence of record.
- b) FRANKIE HERRERA's valid New Mexico driver's license lists the Subject Premises as his residence.
- c) Official police records list the Subject Premises as his residence.
- d) Multiple CHS have visited him at the Subject Premises in recent weeks.

425. **Subject Premises A-11:** I believe LEROY E. ROMERO, aka: "SWAMP," lives at Subject Premises A-11, located at 1027 Park Street, #MV-01, Española, New Mexico. Subject Premises A-11 may be described as a singlewide mobile home, located in space MV-01 (also known as Space 1), within the Milagro

Village mobile home park. The Subject Premises has white siding with white trim. There is a chain link fence around the front of the premises. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

426.        Indicia of Residence

- a) LEROY ROMERO added his name to the lease at the Subject Premises within the past two weeks.
- b) FBI surveillance agents followed LEROY ROMERO from the state parole office in Española, to the Subject Premises on two separate dates in recent days. Agents observed him travel in and out of the residence throughout the surveillance operations.

427.        **Subject Premises A-12:** I believe DAVID M. VALDEZ, aka: "DAVESTER," lives at Subject Premises A-12, located at 638C Fairview Lane, #C Española, New Mexico. Subject Premises A-12 may be described as a singlewide mobile home with white siding and grayish-green trim. The digits "638C" are posted on the front of the mobile home, in front of the driveway. There is a white picket fence in front of the residence, with a gate and pathway that lead to the front door. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

428.        Indicia of Residence

- a) DAVID M. VALDEZ is on state parole and the Subject Premises is his residence of record.
- b) Official police records list the Subject Premises as his residence.
- c) Multiple CHS have visited him at the Subject Premises in recent weeks.

429.       **Subject Premises A-13:** I believe LEOPOLDO SALAZAR, aka: “SUAVE” lives at Subject Premises A-13, located at 576 County Road 001, Hernandez, New Mexico. Subject Premises A-13 may be described as singlewide mobile home with pink siding and white trim. The front door has a black metal security screen door over the front door. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

430.       Indicia of Residence

- a) LEOPOLDO SALAZAR is on state parole and the Subject Premises is his residence of record.
- b) LEOPOLDO SALAZAR’s valid New Mexico driver’s license lists the Subject Premises as his residence.
- c) Official police records list the Subject Premises as his residence.
- d) Multiple CHS have visited him at the Subject Premises in recent weeks.

431.       **Subject Premises A-14:** I believe GREGORY MONTOYA, aka: “JINX,” lives at Subject Premises A-14, located at 5606 Cleghorn Road NW, Albuquerque, New Mexico. Subject Premises A-14 may be described as a single-story residence with tan siding and white trim. There is a tan concrete and metal fence and gate around the front of the residence. Several cameras are affixed to the exterior of the structure. The numbers “5606” are posted on the mailbox in front of the residence. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

432.       Indicia of Residence

- a) GREGORY MONTOYA’s current New Mexico driver’s license lists the Subject

Premises as his residence.

- b) Official police records list the Subject Premises as GREGORY MONTOYA's residence.
- c) GREGORY MONTOYA was on federal supervised release with the USPO and the Subject Premises was his residence of record.
- d) Surveillance agents observed him at the Subject Premises on various occasions in August and September 2019.
- e) CHS have visited him at the Subject Premises in recent weeks.

433.           **Subject Premises A-15:** I believe RAUL GUZMAN, aka: "SHOTGUN," lives at Subject Premises A-15, located at 1328 Boatright Drive NE, Albuquerque, New Mexico. Subject Premises A-15 may be described as single-story residence with tan siding and brown trim. The numbers "1328" are posted on the curb in front of the residence. There is an older model white, green and brown RV parked in the front yard. There are several cameras affixed to the exterior of the Subject Premises. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

434.           Indicia of Residence

- a) RAUL GUZMAN was arrested in June 2019 and provided the Subject Premises as his residence of record with the Court pretrial staff.
- b) Law enforcement records indicate the Subject Premises is RAUL GUZMAN's residence.
- c) Surveillance agents have observed RAUL GUZMAN at the Subject Premises on several occasions in August and September 2019.

435.           **Subject Premises A-16:** I believe JOHNNY RAY GALLEGOS lives at Subject Premises A-16, located at 1104 Mimbres Street SW, Albuquerque, New Mexico. Subject Premises A-16 may be described as a single-story residence with light green siding and dark green trim. The numbers “1104” are posted on the mailbox in front of the residence. There are several security cameras affixed to the exterior of the residence and the front door and windows are covered with black metal security bars. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

436.           Indicia of Residence

- a) JOHNNY RAY GALLEGOS is on felony pretrial release and the Subject Premises is his residence of record.
- b) JOHNNY RAY GALLEGOS valid New Mexico identification card lists the Subject Premises as his residence.
- c) Official police records list the Subject Premises as his residence.
- d) Multiple CHS have visited him at the Subject Premises in recent weeks.

437.           **Subject Premises A-17:** I believe DAVID CHAVEZ, aka: “WACKY,” lives at Subject Premises A-17, located at 2008 Nancy Street SW, Albuquerque, New Mexico. Subject Premises A-17 may be described as a single-story residence with gray siding and white trim. There is a gray block wall in the front yard with a white metal gate. The numbers “2008” are posted on the mailbox in front of the residence. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

438. Indicia of Residence

- a) DAVID CHAVEZ is on felony pretrial release and the Subject Premises is his residence of record.
- b) DAVID CHAVEZ' New Mexico identification card lists the Subject Premises as his residence.
- c) The Subject Premises was DAVID CHAVEZ' residence of record while he was on state parole.
- d) Official police records list the Subject Premises as his residence.
- e) Multiple CHS have visited him at the Subject Premises in recent weeks.

439. **Subject Premises A-18:** I believe MICHELLE YVETTE MORALES lives at Subject Premises A-18, located at 1214 Riner Court SW, Albuquerque, New Mexico. Subject Premises A-18 may be described as a single-story residence with brown siding and brown and white trim. The numbers "1214" are posted on the mailbox in front of the residence. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

440. Indicia of Residence

- a) The Subject Premises is listed as MICHELLE YVETTE MORALES' residence on her valid New Mexico driver's license.
- b) On August 28, 2019, BCSO uniformed deputies conducted a ruse visit at the Subject Premises and confirmed MICHELLE YVETTE MORALES lived at the Subject Premises.
- c) MICHELLE YVETTE MORALES has provided the Subject Premises as her address in email messages she has sent to inmates within the BOP.

441.       **Subject Premises A-19:** I believe FRANCES MCALLISTER, aka: "FRANCES BACA," lives at Subject Premises A-19, located at 14204 Sedrev Road NE, Albuquerque, New Mexico. Subject Premises A-19 may be described as a single-story residence with dark brown siding and white trim. The numbers "14204" are posted on the mailbox in front of the residence. The front door is covered with a black metal security screen door. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

442.       Indicia of Residence

- a) FRANCES MCALLISTER, aka: FRANCES BACA, receives social services and provided the Subject Premises as her residence of record in June 2019.
- b) FRANCES MCALLISTER has used the Subject Premises as her return address on several July and August 2019, letters she sent to her boyfriend and other SNM members in prison.

443.       **Subject Premises A-20:** I believe TIMOTHY ORTEGA lives at Subject Premises A-20, located at 800 Caliche Road, Wagon Mound, New Mexico. Subject Premises A-20 may be described as a single-story residence with white siding and blue trim. There is a chain link fence around the front of the property and the roof is brown in color. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

444.       Indicia of Residence

- a) TIMOTHY ORTEGA's current New Mexico driver's license lists the Subject Premises as his residence.

- b) Multiple CHS have visited TIMOTHY ORTEGA at the Subject Premises in recent weeks and know him to live there.
- c) Official police records indicate the Subject Premises is TIMOYTHY ORTEGA's residence.
- d) TIMOTHY ORTEGA was the victim of a drive-by shooting at the Subject Premises in February 2019.
- e) Neighbors near the Subject Premises have complained to law enforcement about TIMOTHY ORTEGA and drug activity taking place at the Subject Premises.

**XII. SEARCHING FOR GANG TATTOOS:**

445. When the search warrants are executed, agents will attempt to interview the Target Subjects about their affiliation with the SNM and any other gangs. I believe gang tattoos to be significant evidence of gang affiliation and such tattoos may constitute an overt act, in-so-much-as gang-specific tattoos enable a person to maintain or increase their position within the gang. I noted and successfully charged several SNM members with overt acts, within the context of a RICO conspiracy, for having one or more SNM tattoos.

446. It has been my experience that many people lie when speaking with law enforcement and will sometimes go to great lengths to conceal their gang ties. Furthermore, the persons to be searched may exercise their constitutional right to refrain from speaking with law enforcement agents. In an effort to discern and document the Target Subject's gang affiliation, I am requesting law enforcement agents be permitted to search the male Target Subject's bodies, above the waist and below the thighs, for tattoos.

447. I am aware that SNM members have distinct tattoos that represent their dedication to the SNM criminal enterprise. The members display these tattoos to gain respect within the enterprise and to intimidate non-members. Similarly, members of street gangs that support the SNM, such as the Westside Locos, 18<sup>th</sup> Street, 14<sup>th</sup> Street, San Jose, Valley Gardens, Brew Town, El Washe, Barelas and other street gangs have tattoos evidencing their membership and status within the gangs. I am seeking the court's permission to utilize law enforcement photographers to photograph and document the Target Subject's tattoos. Such photo documentation would help positively identify subjects and better document and determine their gang affiliation.

448. I am aware that some of the tattoos evidencing membership in or association with the SNM include, but are not limited to: the Zia symbol, the letters "SNM" or "S," the words "Sindicato," "Syndicato," "Burque," "Duke City," "New Mexico," the numbers "19," (S being the 19<sup>th</sup> letter of the alphabet) "505," the outline of the State of New Mexico, and other imagery that may signify New Mexico.

449. Law enforcement and corrections department records that I have reviewed in this case indicate that all of the male Target Subjects have one or more tattoos on their bodies. I believe the male Target Subjects may have gang related tattoos.

450. **EXHIBIT 1**, which is attached hereto, contains several examples of SNM gang tattoos.

**XIII. COORDINATION OF THE TAKEDOWN:**

451. Contemporaneous with the service of the requested search warrants, teams of law enforcement agents from the FBI, DEA, USMS NMCD, NMSP, LVPD and other agencies, will also seek to serve additional search and arrest warrants.

452. For the past several weeks, I have been coordinating the anticipated service of the requested search and arrest warrants with tactical teams and search personnel. I expect to utilize approximately 700-800 law enforcement officers for this operation. Based on the number of Target Subjects, locations to be searched, geographic scope of the operation (Belen, NM, to Wagon Mound, NM) and complexities involved in simultaneous search warrant execution, I believe the operation will need to commence prior to 6:00 a.m.

**XIV. REQUEST FOR NIGHT TIME SERVICE:**

453. I am requesting the Court authorize the FBI to serve these warrants prior to 6:00 a.m., as set forth under Fed. R. Crim. Proc. 41(e) (2) (A) (ii). Agents and officers will be attempting to serve the requested search warrants and several related arrest warrants in closely coordinated and simultaneous raids. Multiple FBI SWAT teams have been briefed on this operation and will be utilized to execute the search warrants. DEA tactical teams will be working in conjunction with the FBI teams and serving search warrants in some of the same neighborhoods. Meanwhile, SNM members within PNM, CNMCF, SFCADC, MDC and BOP will be searched by corrections officials. I am requesting the Court authorize the FBI to serve the requested search warrants for a number of factors:

- e) the search warrants will need to be executed in a closely coordinated and

simultaneous sequence;

- f) the locations and persons to be searched are spread over a significant distance and in different cities around New Mexico;
- g) many of the Subject Premises are believed to be equipped with cameras;
- h) firearms are believed to be present at all 20 locations;
- i) the majority of the Target Subjects have extensive criminal histories.
- j) many of the Subject Premises are located near schools and/or school bus stops and I would like to avoid school-age children congregating around bus stops or otherwise traveling toward schools. I believe many of the schools in the targeted areas start as early as 7:45 a.m.

454. Therefore, I am requesting authorization to serve the requested search warrants at any time of the day or night. With the Courts authorization, I will instruct FBI SWAT teams to begin serving the requested search warrants at approximately 4:00 a.m.

**XV. CONCLUSION:**

455. Based on the foregoing, I believe that there is probable cause to believe that evidence of violations of 18 U.S.C. §§ 1962(d), 1959, 1791, 1513, 1512, 924(c), 922(g), 2 and 21 U.S.C. §§ 846 and 841(a)(1), as more particularly described in Attachment B will be found at the Subject Premises and on the Target Subjects. Therefore, I submit that this affidavit supports probable cause for warrants to search the premises described in Attachment A and seize the items described in Attachment B.

456. This affidavit has been reviewed by AUSAs Randy Castellano and Maria Armijo of the District of New Mexico.

Respectfully submitted,



Bryan M. Acee  
Special Agent  
Federal Bureau of Investigation

SUBSCRIBED AND SWORN BEFORE ME ON SEPTEMBER 10, 2019

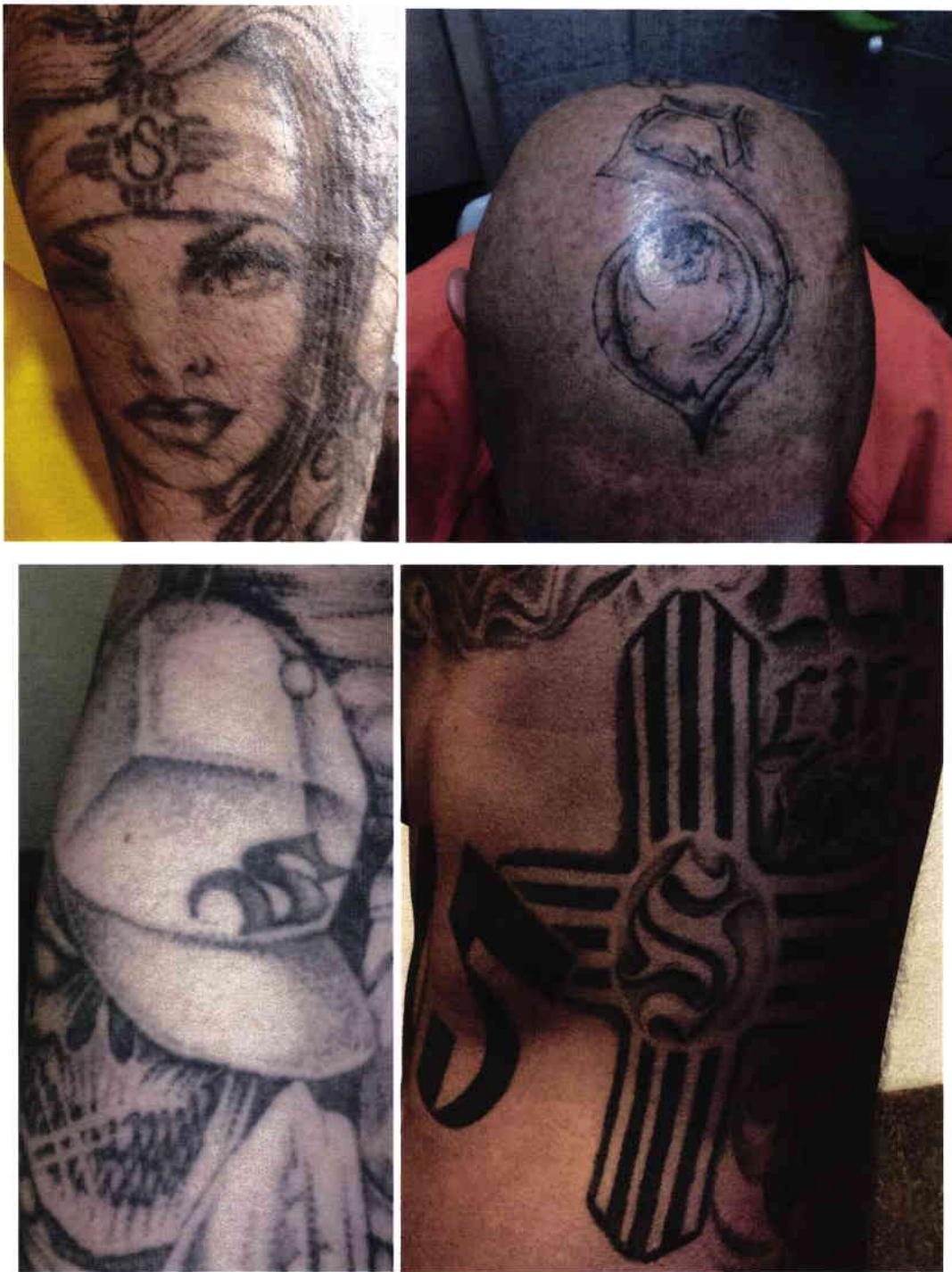


\_\_\_\_\_  
THE HONORABLE KAREN B. MOLZEN  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF NEW MEXICO

Attachment: **EXHIBIT 1**, containing sample SNM gang tattoos.

**XVI. EXHIBIT 1**

Example SNM Gang Tattoos



(Bm)

Example SNM Gang Tattoos



VBM

Example SNM Gang Tattoos



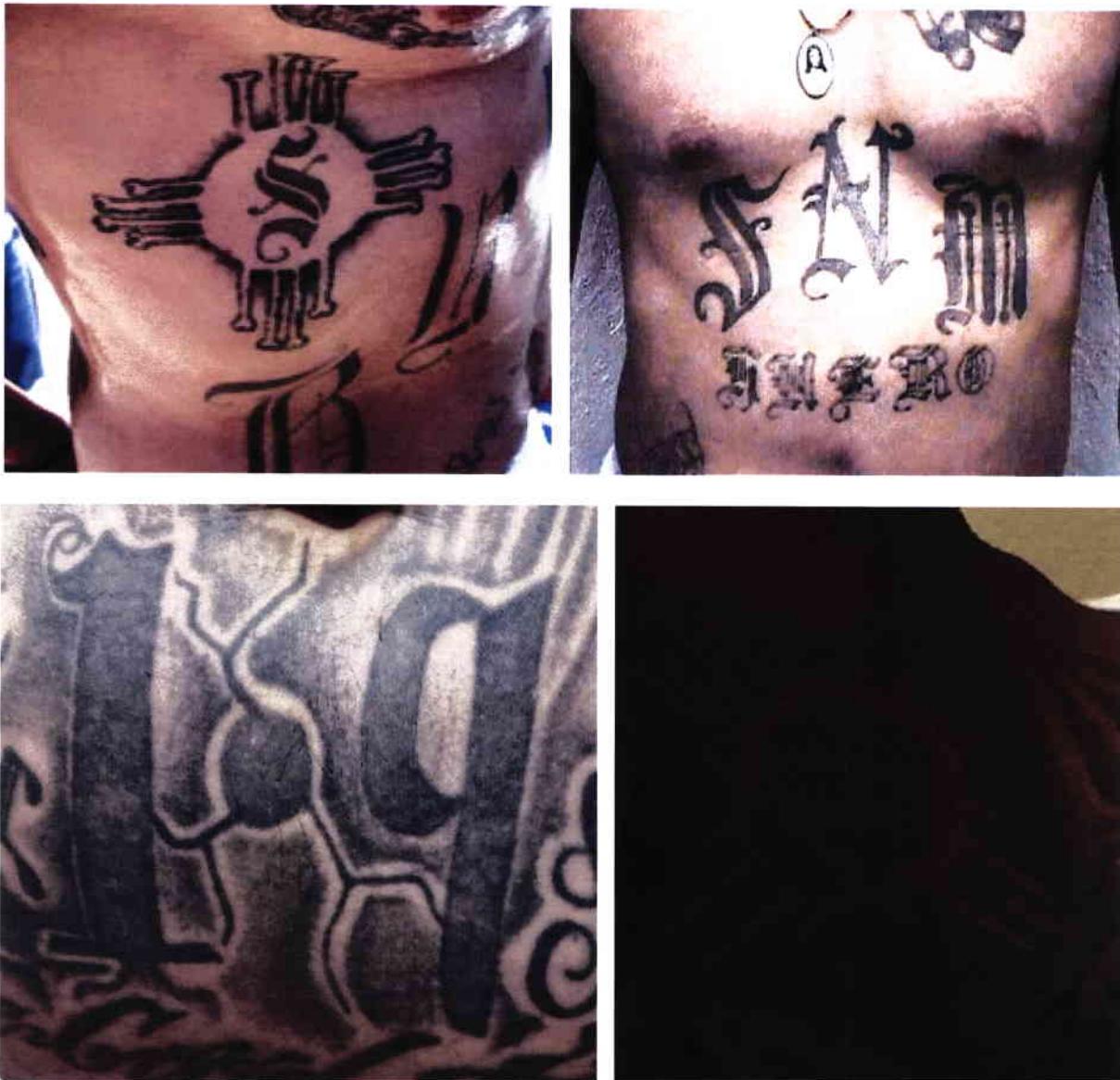
KBM

Example SNM Gang Tattoos



KBM

Example SNM Gang Tattoos



160

**ATTACHMENT A** to Application for a Search Warrant AO 106In the Matter of the Search of (*Briefly describe the property to be searched or identify the person by name and address*)

SUBJECT PREMISES	TARGET SUBJECT	ADDRESS OF SUBJECT PREMISES
A-1	LARRY MARTINEZ, aka: "PSYCHO"	225 Grand Avenue Las Vegas, New Mexico
A-2	JOHN F. SALAZAR, aka: "STONER"	1200 Commerce Street #8 Las Vegas, New Mexico
A-3	GEORGE A. SENA, aka: "G DOGG"	832 S. Pacific Street Las Vegas, New Mexico
A-4	LUIS SANCHEZ, aka: "PAYASO"	749 Dora Celeste Drive Las Vegas, New Mexico
A-5	REBECCA DURAN, aka "REBECCA GALLEGOS"	37 County Road AO35 Mora, New Mexico
A-6	GILBERT ARAGON, aka: "GEBO"	2321 Romero Street Las Vegas, New Mexico
A-7	AMANDA SILVA	221 New Mexico Avenue Las Vegas, New Mexico
A-8	VICTOR VILLALOBOS, aka: "EVIL"	2218 Miguel Chavez Rd, B7, #707 Santa Fe, New Mexico
A-9	FRANK CARABAJAL, aka: "STRANGER"	1123 Harrison Road Santa Fe, New Mexico
A-10	FRANKIE HERRERA, aka: "JOKER"	3345 Vista Del Prado Court Santa Fe, New Mexico
A-11	LEROY E. ROMERO, aka: "SWAMP"	1027 Park Street, #MV-01 Española, New Mexico
A-12	DAVID M. VALDEZ, aka: "DAVESTER"	638C Fairview Lane, #C Española, New Mexico
A-13	LEOPOLDO SALAZAR, aka: "SUAVE"	576 County Road 001 Hernandez, New Mexico
A-14	GREG MONTOYA, aka: "JINX"	5606 Cleghorn Road NW Albuquerque, New Mexico
A-15	RAUL GUZMAN, aka: "SHOTGUN"	1328 Boatright Drive NE Albuquerque, New Mexico
A-16	JOHNNY RAY GALLEGOS	1104 Mimbres Street SW Albuquerque, New Mexico
A-17	DAVID CHAVEZ, aka: "WACKY"	2008 Nancy Street SW Albuquerque, New Mexico
A-18	MICHELLE YVETTE MORALES	1214 Riner Court SW Albuquerque, New Mexico
A-19	FRANCES MCALLISTER	14204 Sedrev Road NE Albuquerque, New Mexico
A-20	TIMOTHY ORTEGA	800 Caliche Road Wagon Mound, New Mexico

KBM

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** LARRY MARTINEZ, aka: "PSYCHO," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-1, located at 225 Grand Avenue, Las Vegas, New Mexico. Subject Premises A-1 may be described as a single story residence, with pink siding, a blue metal roof, and black metal security bars over the front windows and door. There is a white brick structure, with black metal security doors, attached to the premises. There are several motion sensor lights and cameras affixed to the exterior of the residence. The letters "WSL" (Westside Locos) are spray painted on the southeast side of the residence. The front door faces north. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>1</sup>




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<sup>1</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** JOHN F. SALAZAR, aka: "STONER," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-2, located at 1200 Commerce Street, #8, Las Vegas, New Mexico. Subject Premises A-2 may be described as a single wide mobile home, with white siding and gray and tan trim. The number "8" and name "Salazar" are posted on the north side of the trailer, near the driveway entrance to the premises. The front door faces east. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>2</sup>



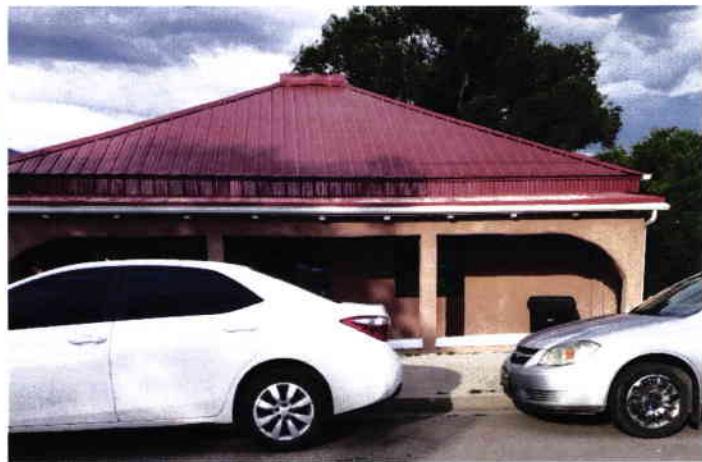
<sup>2</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** GEORGE A. SENA, aka: "G DOGG," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-3, located at 832 S. Pacific Street, Las Vegas, New Mexico. Subject Premises A-3 may be described as a single story residence with brown siding, a red metal roof, and a white metal security door. The numbers "832" are posted next to the front door, which faces west. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>3</sup>



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<sup>3</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

A handwritten signature in blue ink, appearing to read "KBM".

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** LUIS SANCHEZ, aka: "PAYASO," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-4, located at 749 Dora Celeste Drive, Las Vegas, New Mexico. Subject Premises A-4 may be described as a 1-acre lot with two residences, the primary residence is located at the north end of the property and is a 2-story home with tan siding and turquoise and white siding, with a red metal roof. The secondary structure is located on the southeast side of the property and may be described as a singlewide mobile home with tan siding and turquoise and tan trim. The rear of the property is enclosed with a wood fence. Color photographs are posted below. The search of the Subject Premises shall include the entire residences and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>4</sup>

PA  
KOM



Residence in front (north).



Residence in back (southeast).

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<sup>4</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Premises to be searched:** Subject Premises A-5, located at 37 County Road AO35, Mora, New Mexico. A-5 may be described as a single-story residence with white and brown siding and brown and blue trim. The numbers "37" and "Los Romeros" are posted at the entrance of the driveway. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>5</sup>



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<sup>5</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** GILBERT ARAGON, aka: "GEBO," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-6, located at 2321 Romero Street, Las Vegas, New Mexico. Subject Premises A-6 may be described as having two singlewide mobile homes and multiple outbuildings. The rear trailer is tan with white trim and a white travel trailer is parked to the north of the rear mobile home. The front trailer is white with brown trim. Color photographs are posted below. The search of the Subject Premises shall include the entire residence~~s~~ and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>6</sup>

*BA*

*KJW*



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<sup>6</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

*KJW*

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Premises to be searched:** Subject Premises A-7, located at 221 New Mexico Avenue, Las Vegas, New Mexico. Subject Premises A-7 may be described as a two-story residence with tan and brown siding. Much of the structure appears to have been built around a singlewide mobile home, which is tan and brown in color. The primary door to the residence is located on the west side of the premises and consists of two metal security screen doors over a glass front door. There are several cameras and motion sensor lights located around the various structures. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>7</sup>



Front of residence (westside).



Back of residence (eastside).




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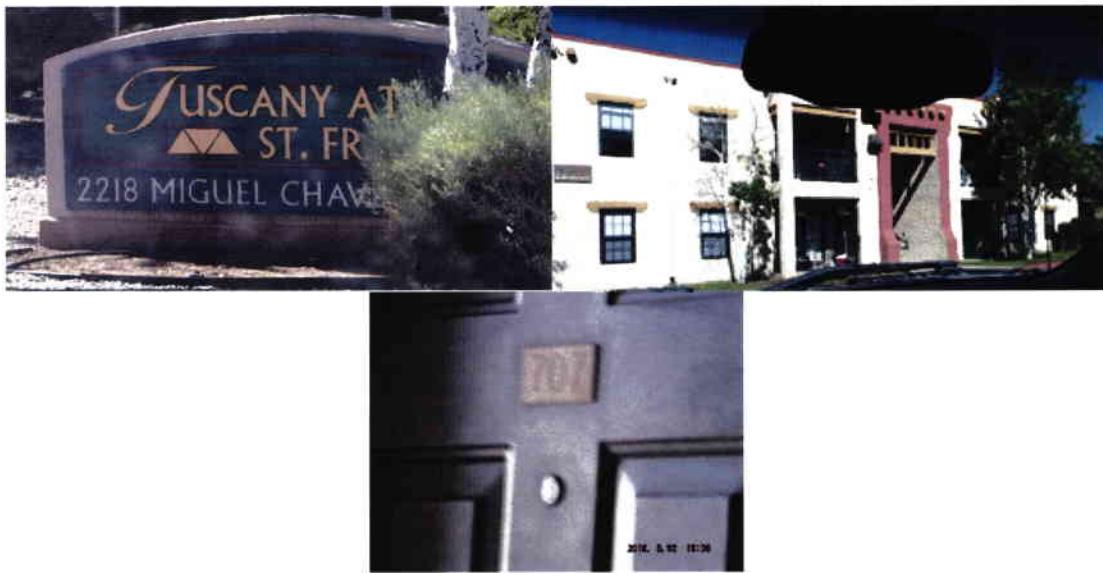
<sup>7</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** VICTOR VILLALOBOS, aka: "EVIL," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-8, located at 2218 Miguel Chavez Rd, B7, #707, Santa Fe, New Mexico. Subject Premises A-8 may be described as a two-story apartment complex, with tan stucco siding and red trim. There is a sign at the entrance to the apartment complex that reads, "2218 Tuscany at St Francis Apartments." Building number 7 is labelled "7, 701-708" and apartment number "707" is posted on the front door of the Subject Premises. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>8</sup>

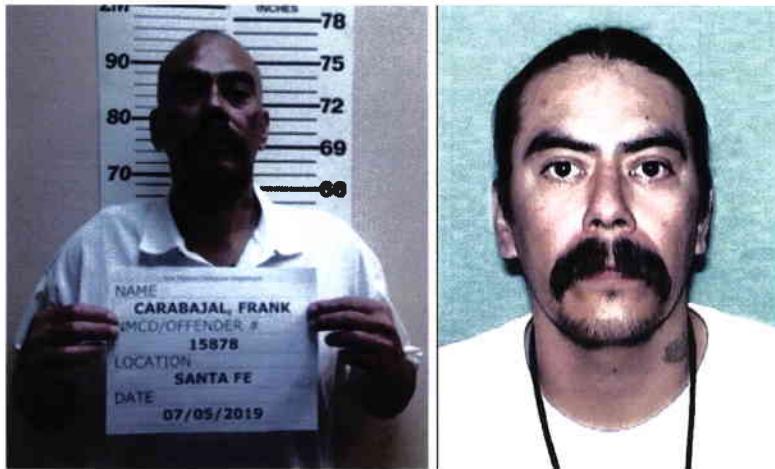


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<sup>8</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** FRANK CARABAJAL, aka: "STRANGER," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-9, located at 1123 Harrison Road, Santa Fe, New Mexico. Subject Premises A-9 may be described as a singlewide mobile home with brown siding, white and red trim, and a metal roof. There is a chain link fence located on either side of the driveway. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>9</sup>




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<sup>9</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** FRANKIE HERRERA, aka: "JOKER," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-10, located at 3345 Vista Del Prado Court, Santa Fe, New Mexico. Subject Premises A-10 may be described as a single-story residence, with tan siding, white trim and a flat roof. The Subject Premises shares common walls with residences on either side of it. The numbers "3345" are posted next to the garage door. The front door is brown in color. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>10</sup>

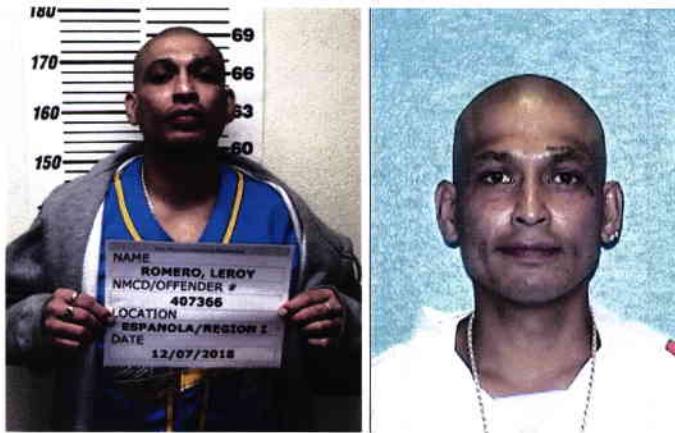



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<sup>10</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** LEROY E. ROMERO, aka: "SWAMP," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



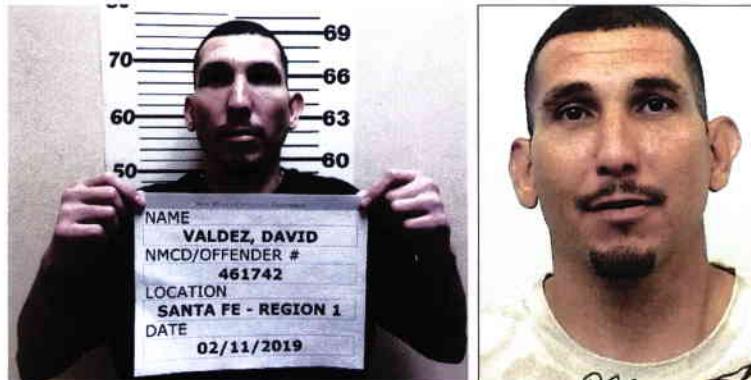
**Premises to be searched:** Subject Premises A-11, located at 1027 Park Street, #MV-01, Española, New Mexico. Subject Premises A-11 may be described as a singlewide mobile home, located in space MV-01 (aka: Space 1), within the Milagro Village mobile home park. The Subject Premises has white siding with white trim. There is a chain link fence around the front of the premises. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>11</sup>



<sup>11</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** DAVID M. VALDEZ, aka: "DAVESTER," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-12, located at 638C Fairview Lane, #C Espanola, New Mexico. Subject Premises A-12 may be described as a singlewide mobile home with white siding and grayish-green trim. The digits "638C" are posted on the front of the mobile home, in front of the driveway. There is a white picket fence in front of the residence, with a gate and pathway that lead to the front door. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>12</sup>




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<sup>12</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** LEOPOLDO SALAZAR, aka: "SUAVE" who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-13, located at 576 County Road 001, Hernandez, New Mexico. Subject Premises A-13 may be described as singlewide mobile home with pink siding and white trim. The front door has a black metal security screen door over the front door. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>13</sup>




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<sup>13</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

*(Signature)*

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** GREGORY MONTOYA, aka: "JINX," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-14, located at 5606 Cleghorn Road NW, Albuquerque, New Mexico. Subject Premises A-14 may be described as a single-story residence with tan siding and white trim. There is a tan concrete and metal fence and gate around the front of the residence. Several cameras are affixed to the exterior of the structure. The numbers "5606" are posted on the mailbox in front of the residence. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>14</sup>

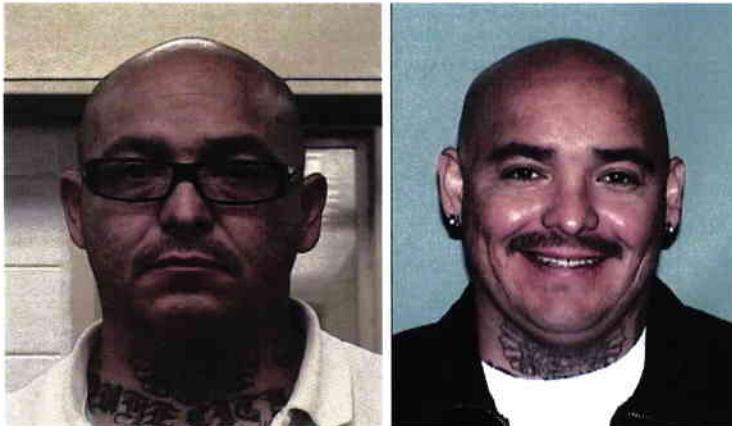



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<sup>14</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** RAUL GUZMAN, aka: "SHOTGUN," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-15, located at 1328 Boatright Drive NE, Albuquerque, New Mexico. Subject Premises A-15 may be described as single-story residence with tan siding and brown trim. The numbers "1328" are posted on the curb in front of the residence. There is an older model white, green and brown RV parked in the front yard. There are several cameras affixed to the exterior of the Subject Premises. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>15</sup>

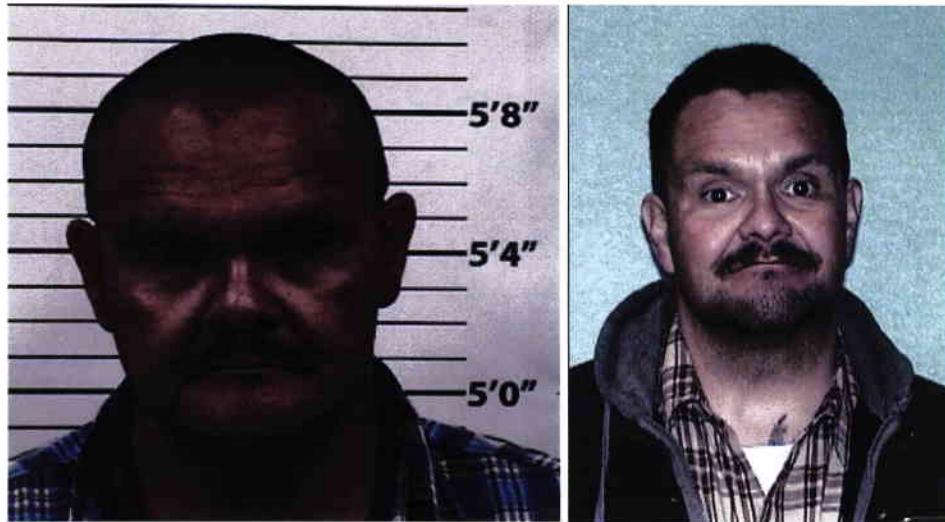


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<sup>15</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** JOHNNY RAY GALLEGOS who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-16, located at 1104 Mimbres Street SW, Albuquerque, New Mexico. Subject Premises A-16 may be described as a single-story residence with light green siding and dark green trim. The numbers "1104" are posted on the mailbox in front of the residence. There are several security cameras affixed to the exterior of the residence and the front door and windows are covered with black metal security bars. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>16</sup>

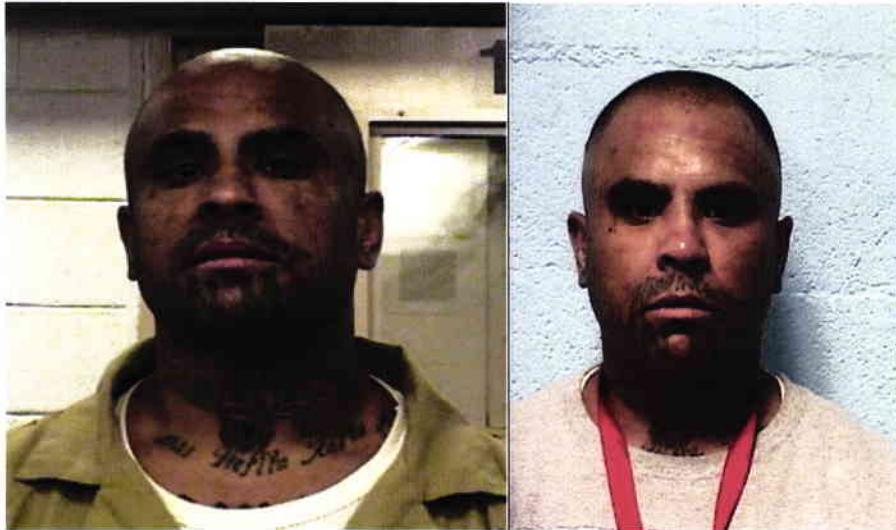



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<sup>16</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** DAVID CHAVEZ, aka: "WACKY," who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-17, located at 2008 Nancy Street SW, Albuquerque, New Mexico. Subject Premises A-17 may be described as a single-story residence with gray siding and white trim. There is a gray block wall in the front yard with a white metal gate. The numbers "2008" are posted on the mailbox in front of the residence. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>17</sup>




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<sup>17</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Premises to be searched:** I believe lives at Subject Premises A-18, located at 1214 Riner Court SW, Albuquerque, New Mexico. Subject Premises A-18 may be described as a single-story residence with brown siding and brown and white trim. The numbers "1214" are posted on the mailbox in front of the residence. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>18</sup>



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<sup>18</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Premises to be searched:** Subject Premises A-19, located at 14204 Sedrev Road NE, Albuquerque, New Mexico. Subject Premises A-19 may be described as a single-story residence with dark brown siding and white trim. The numbers "14204" are posted on the mailbox in front of the residence. The front door is covered with a black metal security screen door. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>19</sup>



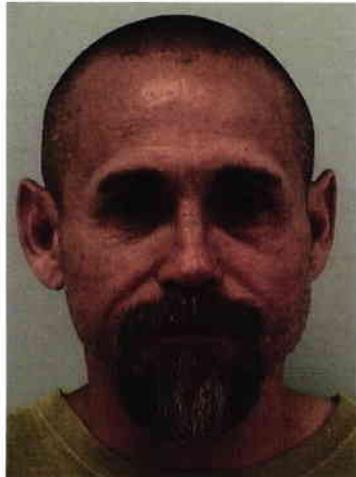
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<sup>19</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

*KBM*

**ATTACHMENT A**  
**Person and Premises to be Searched**

**Person to be searched:** TIMOTHY ORTEGA who appears in the photograph below. The Defendant will be searched for tattoos evidencing membership in or association with the Syndicato de Nuevo Mexico (SNM) or any other gang. A color photograph of the Defendant follows:



**Premises to be searched:** Subject Premises A-20, located at 800 Caliche Road, Wagon Mound, New Mexico. Subject Premises A-20 may be described as a single-story residence with white siding and blue trim. There is a chain link fence around the front of the property and the roof is brown in color. Color photographs are posted below. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.<sup>20</sup>



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<sup>20</sup> Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

**ATTACHMENT B****Items to be Seized**

**Items to be seized:** All evidence, fruits, and instrumentalities of violations of: 18 U.S.C. § 1962(d) RICO Act conspiracy; 18 U.S.C. § 1959 VICAR; 18 U.S.C. § 1791 providing contraband to a federal prisoner; 18 U.S.C. § 1513 Retaliating against a witness, victim, or an informant; 18 U.S.C. § 1512 Tampering with a witness, victim, or an informant; 18 U.S.C. § 924(c) Use of a firearm in furtherance of a crime of violence; 18 U.S.C. § 922(g) Prohibited person in possession of a firearm or ammunition; 18 U.S.C. § 2 Aiding and Abetting; 21 U.S.C. § 846 Conspiracy to distribute controlled substances; and 21 U.S.C. § 841(a)(1) Possession with intent to distribute controlled substances.to include the following items:

1. Evidence of membership or affiliation with the Syndicato de Nuevo Mexico (SNM) gang: to include any documents, photographs, drawings, writings, or objects depicting gang members names, initials, logos, monikers, slogans, or any item depicting potential gang membership, affiliation, activity or identity; "green light"/disciplinary list, murder/assault list, witness or confidential informant lists, inmate lists, address and telephone number list, letters, law enforcement reports, jail or department of corrections reports, judgments, pre-sentencing reports, newspaper articles, computer generated reports or printouts, legal documents, detention facility inmate number lists or addresses for inmates or detention facilities;
2. Firearms, magazines, ammunition, holsters and items used to store firearms;
3. Controlled substances, drug packaging material, paraphernalia and scales;
4. United States currency;
5. Documentary evidence of drug trafficking, to include records, receipts, notes, ledgers, money orders money order receipts, pre-paid money cards such as MoneyPak, Green Dot, Wal-Mart, or other debit cards and any documents relating to transporting, ordering, purchasing or distributing drugs;
6. Cellular telephones and other digital devices, such as computers, laptops, tablets, PDAs or similar electronic storage devices;
7. Articles of property tending to establish the identity of persons in control of premises, vehicles, storage areas, and containers being searched, including utility company receipts, rent receipts, addressed envelopes, and keys;
8. Safes, combinations or key-lock strong boxes or other secure storage containers, and types of locked or containers, and hidden compartments that may contain any of the foregoing.